



LEGAL RIGHTS GUIDE FOR RHODE ISLAND WOMEN

Version 2, Spring 2006

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Legal Rights Guide for Women
Version 2, Spring, 2006

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CHAPTER 1 CONSUMER PROTECTION

Glossary:

Credit: The ability of a person or business to borrow money because of a lender's (the person or bank giving you the money) good impression of them based on past payment of bills and previous loans.

Credit History: History of an individual's debt payment; lenders use this information to gauge a potential borrower's ability to repay a loan.

Credit Report: A record that lists all past & present debts and the timelines of their repayment, it documents an individual's credit history.

Alimony: After a divorce of a couple, one spouse may be required to give financial support or help to the other.

Home Equity Loan: A loan borrowed against the money already paid on a person's home.

Lien: A legal claim against property that must be satisfied when the property is sold.

Mortgage: A lien on the property that secures the promise to repay a loan.

Refinancing: Paying off one loan by obtaining another; refinancing is generally done to secure better loan terms (like a lower interest rate).

Repossession: To recover goods sold on credit or in installments (for example, a car) when the buyer fails to pay for them.

Collateral: Property that is promised as a security for the satisfaction of a debt.

Telemarketer: One who markets goods or services by the telephone.

Solicitor: One who approaches with a request or plea.

1A CREDIT INFORMATION

1.A.i Obtaining Credit

Consumers use credit to help pay for many things like real estate, cars, education, furniture, and clothing. The Equal Credit Opportunity Act (ECOA) is a federal law that gives all people the same chance of getting credit. The Act says that:

a creditor can't tell you not to apply for credit because of:

- your sex
- your marital status
- your age
- your race
- your national origin, or
- whether or not you receive public assistance.

When you are applying for credit, a creditor may not ask you:

- about your sex
- about your race
- about your religion
- about your national origin
- whether you are divorced or widowed

- about your marital status or for information about your domestic partner or spouse (unless you are applying for a joint account or will need money from your domestic partner or spouse to pay the debt), or
- whether you have children or plan to have children.

It is up to you whether you want to tell the creditor about alimony, child support or maintenance payments you receive to help you get approved for credit. If the creditor wants to ask about these kinds of income, they must first tell you that you do not have to talk about them. It is up to you whether you want to apply for credit alone (individually) or together (jointly) with your partner, spouse, or someone else. You do not have to apply for credit with someone just because you live with or are married to him or her.

If you are denied credit, the creditor is required by law to:

- give you the name and address of the credit bureau where the creditor got your credit report; and
- give you the name and address of the government agency to contact if you think you were discriminated against.

If you think you have been discriminated against you can:

- contact the creditor and tell them you know about the ECOA and are aware of your rights; and
- contact the government agency given to you by the creditor.

For an **individual account**, a creditor considers only your income, assets and credit history. When you apply for an individual credit account the account will appear on your credit report. You alone are responsible for the payments on that account. For **joint accounts**, the creditor reviews the income, assets and credit history of both persons applying for credit and both are responsible to repay the debt. A creditor will report the credit history of a joint account to the credit bureaus in both names.

1.A.ii Credit and Divorce

If you have a joint account with your legal spouse and you are considering divorce, pay attention to the status of your credit accounts. It is important to make regular payments on outstanding balances so your credit record will not suffer. Both you and your spouse are responsible for a joint debt as long as there is an outstanding balance on the account. Even if your **divorce decree** (agreement) says your former spouse is entirely responsible for paying a joint debt, the lender can still try to get money from both of you. If your former spouse doesn't follow the divorce decree by paying the debt, you can go back to family court to get a court order to force him to pay.

If you and your spouse share a credit card, either of you may request that the account be closed to further activity, but you both will still be responsible for the current debt. The creditor may request that you reapply for credit if you would like an individual account with that creditor. A creditor may not close a joint credit card account due to a change in marital status.

If you have a joint mortgage or loan, and are getting a separation or divorce, you can call the bank to tell them you will continue making payments. In the case of a joint mortgage, the creditor may require refinancing in order to remove a spouse from the mortgage. Many of these issues are dealt with during the divorce proceeding and you may wish to consult an attorney for advice. You can contact **Rhode Island Legal Services** at 401-274-2652 or 1-800-662-5034 or the **Rhode Island Lawyer Referral Program** at 401-421-7799 or 1-800-339-7751 if you are unable to obtain an attorney through recommendations from friends or family.

The laws about sexual orientation discrimination are constantly changing. You can call the Gay and Lesbian Advocates and Defenders (GLAD) at 1-800-455-GLAD (or TTY 1-617-426-6156) for the most recent information about your rights, or if you think you have been discriminated against because of your sexual orientation.

1.A.iii Your Credit Report

A credit report is a record of how you have borrowed and repaid your debts. Creditors usually look at this report to decide whether or not to give you credit.

The most common types of information included in your report are:

- identification and employment information
- payment history of your accounts
- public record information (such as bankruptcies, court judgments, or liens), and
- a listing of creditors who have recently obtained your credit report.

Credit information that is older than 7 years (10 years for bankruptcy information) should not be in your report.

To protect your privacy, only certain people are allowed to look at your report. For example, creditors may request a copy of your report if you apply for credit or for a loan. Employers cannot request a copy of your credit report without your written permission. Government agencies can obtain credit reports, including those that are trying to collect child support. If you have a question about when someone can request a copy of your credit report and what it can be used for, call the **Federal Trade Commission (FTC)** at 1-877-382-4357 (it's a toll-free call), or the **New England Regional FTC** at 617-424-5960.

There are laws to make sure companies that put together credit information get and use the correct information. One of these laws is the Federal Credit Reporting Act (FCRA). If you think there is an error on your credit report, notify the creditor and the credit-reporting agency (sometimes called a credit bureau) in writing. A form to report disputes to the agency is usually included with the copy of your credit report. If a form is not included, call the credit bureau and ask for one.

Once you report the error to the creditor, the creditor must:

- investigate your report by reviewing the information, and
- report any corrections of inaccurate or incomplete information to all national credit reporting agencies.

After a possible error is reported to a credit agency, the credit agency must:

- investigate your dispute and get back to you, usually within 30 days, and
- tell you what they found within five days after completing the investigation.

If the problem is not resolved, you may file a written statement (often limited to 100 words) explaining your side of the story.

1.A.iii.a. Requesting a Copy of your Credit Report

You may obtain a copy of your credit report from the following three major credit reporting agencies:

- Equifax (800) 685-1111
- Experien (888) 397-3742
- Trans Union (800) 916-8800

There is usually a fee of \$8.00 per credit report, but sometimes you have a right to a free copy.

You can get a copy of your credit report for free if:

- you are unemployed and will be applying for a job within the next 60 days
- you are on welfare
- you think your report is not correct because of fraud, or
- you were denied credit in the past 60 days.

As of September 1, 2005, you will be able to get your credit report for free. A recent amendment to the federal Fair Credit Reporting Act (FCRA) requires each of the nationwide consumer reporting companies to provide you with a free copy of your credit report, at your request, once every 12 months, from <http://www.annualcreditreport.com/>. The Federal Trade Commission (FTC), the nation's consumer protection agency, has prepared a brochure, **Your Access to Free Credit Reports**, explaining your rights and how to order a free annual credit report.

1.A.iv Protesting Credit Card Charges

The Fair Credit Billing Act protects you when you use your credit card to pay for purchases. You can protest an error on your credit card statement and, until the error is resolved, withhold payment on the disputed item only. In order to dispute an item on a bill, you must write to the creditor at the address on the monthly statement for **billing inquiries**. You should include your name, address, account number and a description of the billing error. The creditor must receive your notice within 60 days of the date of the bill containing the error. The creditor must then respond in writing within 30 days after receiving the complaint, unless the problem has been corrected. The creditor is allowed two billing cycles, but not more than 90 days, after receiving the letter to resolve the problem.

1.A.v Repairing Your Credit

Self-help is usually the best (and cheapest) way to repair a poor credit report. For consumers who have debt problems, it takes time, effort and a debt repayment plan to help improve a poor credit record. Although a repayment plan does not erase your credit history, a demonstrated pattern of timely payments may help you obtain credit in the future.

The first step in preparing a debt repayment plan is to write up a budget that you can afford by listing how much money comes in and how much money you spend. Once you know the amount of your fixed expenses that are the same each month (such as rent, mortgage, car payments, insurance premiums, childcare), and other necessary expenses (such as food, health care, education, and clothing), you can calculate how much, if any, you have left to pay all your remaining debts. Then contact your creditors if you are having difficulty making your regular payments and try to work out a modified payment plan that will reduce your monthly payment so it will fit within your budget. If you need help making a budget or sticking to it, you may want to call a **credit counselor**.

1.A.vi Credit Counseling

A credit counseling service will work with your creditors to establish a repayment plan. Usually, the service will require that you deposit money each month with the credit counseling service. This is used to pay your creditors according to the schedule set up by the counselor. You may have to agree not to use your credit cards or apply for any additional credit while you are on the repayment plan.

Many credit counseling services are paid by creditors, so they may attempt to help the creditors as much as they help you. You should not sign up for a credit-counseling program unless you are comfortable with the agreement. Some credit counseling services charge little or nothing to manage the plan, while others charge a large monthly fee. Your best bet is to go with a non-profit consumer counseling service and ask what the fee is prior to accepting any services. For a non-profit debt counseling service in your area, call the **National Foundation for Consumer Credit** at (800) 388-2227 or check the local yellow pages.

1.A.vii Credit Repair Agencies

Businesses that promise, for a fee, to clear up credit problems generally cannot do anything for you that you cannot do yourself. These credit repair agencies rarely offer valuable services, and are often an outright scam. Be on guard about ads that say: "we can erase bad debt" (because no one can erase bad credit information from your report if it is true); or claims that "only we can remove old or inaccurate information" (because you can correct the same errors for free).

1.A.viii Borrowing Money on Your Home

Some companies offer to lower the cost of your credit by giving you a home equity loan or a second mortgage. While you may be able to get a lower interest rate, you usually have to make payments for more years. Also, these types of loans require you to use your house as **collateral**. This means you would have to give your house to the loan company if you cannot

make your payments. Think carefully about before taking on a second mortgage or equity loan and be sure you will be able to make your payments.

Also, it is important to consider that even if your total monthly payments will be lower, the total money you pay will probably be higher. To figure out about how much money you will be paying, multiply your monthly payment by 12 (the number of months in a year) and then that number by the number of years you will have to pay.

If you decide to obtain a home equity loan, you should compare loans offered by different lenders and consider the annual percentage rate (APR), points, closing costs, other fees and whether or not it is a fixed rate. Beware of hidden loan terms such as a balloon payment, which is a loan that you pay interest only for a set period of time, at the end of which the entire principal balance is due in full in one lump sum. You could face **foreclosure** (when the lender tries to take away your house) if you fail to pay this lump sum. See section [1.B.i - Foreclosure](#) for more information.

1.A.ix Credit Insurance

Once you have agreed to a mortgage or loan, the lender may give you papers to sign that include charges for credit insurance or other “benefits” that you may not want. If that happens, you should request a full written explanation of the charges and then decide if you want the insurance. You may already have other insurance policies that provide you more coverage for less money. Do not allow yourself to be pressured into credit insurance or other credit products that you cannot afford or do not want.

If you have a problem with a mortgage company or bank, you may file a complaint with the **Federal Trade Commission (FTC)** by contacting the **Consumer Response Center** toll free at 877-382-4357 and with the **Rhode Island Banking Commission** at 401-222-2405.

1B DEBT COLLECTION

If you do not have the money to pay all of your debts, you may have to make difficult choices about which debts to pay first. Ignoring your bills in the hope that they will simply go away is not helpful. You may even be getting a lot of calls and letters from collection agencies. Even if the collection agents are angry or yell at you, make sure you do not pay the wrong debts first, because that could make serious problems for you and your family. You should use your money first to pay for what is most necessary for your family--food, clothing, housing, and utility service.

Do not let collection agents pressure you into taking money away from these necessary expenses. Sometimes collection agencies will threaten to take away your household goods, wages or benefits, but they *cannot* do this unless they file a lawsuit and you receive court papers.

Here are some general rules for setting your payment priorities:

- Mortgage and rent payments should always come first.
- Next, you should keep up with whatever payments are needed to make sure your utility service is not shut off. You may want to contact the utility about a payment plan

if you are behind. For more information about utility service, see section [1.D - Utilities](#).

- Next, make payments on your car loan (after other necessary items like food, rent, clothing and utilities) before most other debts for nonessentials (things you can live without).
- Next, pay tax bills and student loans.
- Last, pay debts without property given as collateral, such as credit cards, hospital bills and store accounts.

You should not pay debts that you have a good legal reason not to pay, but you should seek legal advice on how to assert your rights or defenses.

If a creditor wins a lawsuit against you, your home, wages or other assets may be at risk if you cannot **assert an exemption**. For example, some people who receive Social Security, are collecting unemployment, or receive public assistance cannot have their property taken away. You should consult an attorney to see if any of your property is truly at risk. If your property is at risk, pay the debt earlier than other debts.

Once you have decided which debts you are able to pay and which will have to wait, you will need to be prepared to deal with the collectors that aren't being paid first. The federal **Fair Debt Collection Practices Act** prohibits harassment by collection agencies and attorneys (it does not apply to creditors who contact you themselves).

For example, collection agencies may not:

- contact you at unreasonable hours, before 8:00 a.m. or after 9:00 p.m., unless you agree;
- use obscene or profane language or threats of violence;
- call you constantly to annoy you; or
- tell anyone other than you or your attorney that you owe money (although they can contact other people such as your friends, family members, neighbors or employer to find out where you live and work).

If explaining your situation to a collector doesn't stop collection efforts, you also have the right under this federal law to stop any further contacts by sending the collector a certified letter telling them to stop contacting you. Your request must be in writing and sent to the collection agency. In your letter, you can say:

"I am writing to request that you stop contacting me about my account [acct. no.] with [name of creditor] as required by the Fair Debt Collection Practices Act, 15 U.S.C. Section 1692(c)."

Be sure to keep a copy of the letter. After receiving the letter, the collection agency cannot contact you again except to say there will be no further contacts. If the collector continues attempting to collect the debt, you should talk to an attorney.

1.B.i Foreclosure

If you fall behind on your mortgage payments (or don't have insurance or pay property taxes), your lender can begin a **foreclosure proceeding**. The first thing the lender will do is

demand the entire outstanding mortgage. If you cannot make the payment, the bank can take back and sell your house to someone else. Since the bank does not need to go to court to foreclose on your home, you will *not* get any court papers and there will *not* be any hearing before a judge. If you do not take any action to stop the foreclosure, your home will be sold to the highest bidder at an auction held at the property on the sale date.

If you are having financial problems and cannot pay all of your bills, you should usually make your mortgage payments before all other bills after necessary items such as food and clothing. This is because it is very important to try to avoid foreclosure. Once the foreclosure sale has taken place, you no longer own the property and you will most likely be unable to get it back.

According to Rhode Island Law, the mortgage holder must notify you if it intends to foreclose on your property by:

- giving notice of the sale by publication in some public newspaper at least once a week for three consecutive weeks prior to the sale; and
- sending you a letter by certified mail at least twenty days before the notice is placed in the newspaper notifying you of the sale date.

You may not receive any other notice.

Since some foreclosures occur because of mistakes made by the mortgage company or bank, you should try to straighten out the problem before it gets to foreclosure. If you are unable to make your monthly payments, you should contact the mortgage company or bank and see if temporary or permanent changes to your mortgage terms can be arranged, which is called a **workout**. A workout allows you to get your mortgage payments back on track. The Mortgage Company or bank will usually ask you to provide them with a worksheet setting out your monthly income and expenses. Not all proposals are accepted. If you are unable to resolve the matter with the Mortgage Company or bank, you may want to get legal assistance. Refinancing the mortgage may be an option to avoid foreclosure (see section [1.A.viii - Borrowing Money on Your Home](#)), but it is important to avoid high rate loans and adding other debts in with your existing mortgage. If you add other debts and/or increase the interest rate, you may have trouble meeting the new monthly payments and find yourself in foreclosure again.

Unfortunately, there are people who take advantage of others who are facing foreclosure, by pretending to help you keep your home. You should be very wary of and avoid any sale/leaseback schemes and high rate/high cost loans offered as a way to stop foreclosure. Watch out for requests for fees or money to pay the mortgage which are payable to someone other than the mortgage company or bank.

If you are unable to arrange a satisfactory solution, consider getting legal help to prevent the foreclosure. You may contact **Rhode Island Legal Services** at 401-274-2652 or 1-800-662-5034 or the **Rhode Island Lawyer Referral Program** of the RI Bar Association at 401-421-7799 if you are unable to obtain an attorney through recommendations from friends or family.

You can file a complaint or request additional information by contacting the **Federal Trade Commission, Consumer Response Center** at 877-382-4357 or the **Better Business Bureau (BBB)** at 401-785-1212.

1.B.ii Bankruptcy

A decision to file for bankruptcy should be made only after determining that bankruptcy is the best way to deal with your financial problems. This overview cannot explain every aspect of the bankruptcy process. If you still have questions after reading it, you should speak with an attorney familiar with bankruptcy.

1.B.ii.a. What Is Bankruptcy?

Bankruptcy is a legal proceeding in which a person who cannot pay his/her bills can get a fresh financial start. The right to file for bankruptcy is provided by federal law, and all bankruptcy cases are handled in federal bankruptcy court. Filing bankruptcy immediately stops all of your creditors from seeking to collect debts from you, at least until your debts are sorted out according to the law.

1.B.ii.b. What Can Bankruptcy Do for Me?

Bankruptcy may make it possible for you to:

- Eliminate the legal obligation to pay most or all of your debts. This is called a **discharge** of debts. It is designed to give you a fresh financial start.
- Stop foreclosure on your house or mobile home and allow you an opportunity to catch up on missed payments. (Bankruptcy does not, however, automatically eliminate mortgages and other liens on your property without payment.)
- Prevent repossession of a car or other property, or force the creditor to return property even after it has been repossessed.
- Stop wage garnishment, debt collection harassment, and similar creditor actions to collect a debt.
- Restore or prevent termination of utility service.
- Allow you to challenge the claims of creditors who have committed fraud or who are otherwise trying to collect more than you really owe.

1.B.ii.c. What Bankruptcy Cannot Do

Bankruptcy cannot, however, cure every financial problem. Nor is it the right step for every individual. In bankruptcy, it is usually *not* possible to:

- Eliminate certain rights of "secured" creditors, which are creditors that have taken a mortgage or other lien on property as collateral for the loan. Common examples are car loans and home mortgages. You *can*, however, force secured creditors to take payments over time in the bankruptcy process and bankruptcy *can* eliminate your obligation to pay any additional money (called a **deficiency**) if your property is taken or repossessed. Nevertheless, you generally cannot keep the collateral unless you continue to pay the debt.
- Discharge types of debts singled out by the bankruptcy law for special treatment, such as child support, alimony, certain other debts related to divorce, some student loans, court restitution orders, criminal fines, and some taxes.

- Protect co-signers on your debts. When a relative or friend has co-signed a loan, and the consumer discharges the loan in bankruptcy, the cosigner may still have to repay all or part of the loan.

1.B.ii.d. What Different Types of Bankruptcy Cases Should I Consider?

There are four types of bankruptcy cases provided under the law:

- **Chapter 7** is known as **straight bankruptcy** or **liquidation**. It requires a debtor to give up property that is over certain limits called **exemptions**, so the property can be sold to pay creditors. Although a debtor can usually exempt most of their property, if you want to keep property like a home or a car, and are behind on your mortgage or car loan, a Chapter 7 case is probably not the right choice for you. This is because your mortgage or car loan lender can still repossess (take back) your home or car to pay for the loan even if you file for Chapter 7 bankruptcy.
- **Chapter 11**, known as **reorganization**, is used by businesses and a few individual debtors whose debts are very large.
- **Chapter 12** is reserved for family farmers.
- **Chapter 13** is called **debt adjustment** or **wage-earner plan**. It requires a debtor to file a plan to pay debts (or parts of debts) over 3 to 5 years. The most important part about a chapter 13 case is that it allows you to keep valuable property (like your home and your car) if you keep making your planned payments. Usually, these payments are at least as much as your regular monthly payments on your mortgage or car loan, plus extra money to pay back the amount you have fallen behind.

You should consider filing a chapter 13 plan if you:

- own your home and are in danger of losing it because of money problems;
- are behind on debt payments, but can catch up if given some time; and
- have valuable property that is not exempt, but you can afford to pay creditors from your income over time.

Most people filing bankruptcy will want to file under either chapter 7 or chapter 13. Either type of case may be filed individually or by a married couple filing jointly.

1.B.ii.e. Do I Need a Lawyer to File for Bankruptcy?

While you do not need a lawyer to file for bankruptcy, it is often a good idea to talk to one anyway. The paperwork you need to fill out is very complicated, and if you make a mistake you will have to go through the whole process again. You may contact **Rhode Island Legal Services** at 401-274-2652 or 1-800-662-5034 or the **Rhode Island Lawyer Referral Program** at 401-421-7799 or 1-800-339-7751 if you are unable to obtain an attorney through recommendations from friends or family.

1.B.ii.f. What Does It Cost to File for Bankruptcy?

It now costs \$175 to file for bankruptcy under chapter 7 and \$160 to file for bankruptcy under chapter 13, for either one person or a married couple. The court may allow you to pay this filing fee in installments if you cannot pay all at once. If you hire an attorney you will also have to pay the attorney's fees you agree to.

1.B.ii.g. Can I Own Anything After Bankruptcy?

Yes! Many people believe they cannot own anything for a period of time after filing for bankruptcy. This is not true. You can keep your exempt property and anything you obtain after the bankruptcy is filed. However, if you receive an inheritance, a property settlement, or life insurance benefits within 180 days after filing for bankruptcy, that money or property may have to be paid to your creditors if the property or money is not exempt.

1.B.ii.h. Will Bankruptcy Wipe Out All My Debts?

Yes, with some exceptions. Bankruptcy will not normally wipe out:

- money owed for child support or alimony, fines, and some taxes;
- debts not listed on your bankruptcy petition;
- loans you got by knowingly giving false information to a creditor, who reasonably relied on it in making you the loan;
- debts resulting from "willful and malicious" harm;
- student loans owed to a school or government body, unless the court decides that payment would be an undue hardship; or
- mortgages and other liens that are not paid in the bankruptcy case (but bankruptcy will wipe out your obligation to pay any additional money if the creditor sells the property).

1.B.ii.i. Will Bankruptcy Affect My Credit?

There is no clear answer to this question. Unfortunately, if you are behind on your bills, your credit may already be bad. Bankruptcy will probably not make things any worse. The fact that you've filed a bankruptcy can appear on your credit record for ten years. But since bankruptcy wipes out your old debts, you are likely to be in a better position to pay your current bills, and you may be able to get new credit.

1.B.ii.j. What Else Should I Know?

- Utility services--Public utilities, such as the gas or electric company, cannot refuse or cut off service because you have filed for bankruptcy. However, the utility can require a deposit for future service and you do have to pay new bills after you file bankruptcy.
- Discrimination--An employer or government agency cannot discriminate against you because you have filed for bankruptcy.
- Driver's license--If you lost your license solely because you didn't have insurance and couldn't pay court-ordered damages caused in an accident, bankruptcy will allow you to get your license back.
- Co-signers--If someone has co-signed a loan with you and you file for bankruptcy, the co-signer may have to pay your debt.

1.B.ii.k. Are there Other Options Besides Bankruptcy?

Depending upon the amount of your debt and your financial situation, you may consider participating in a credit counseling program. See sections [1.A.vi - Credit Counseling](#) and [1.A.v – Repairing Your Credit](#) for more information.

1C CONSUMER PURCHASES

1.C.i Buying a Car

Statistics show that women, and especially women of color, pay the highest prices for cars and get the highest interest rates. Don't let salespeople intimidate you into paying more than a car is worth. You should shop around for the best price by comparing models and prices at dealer showrooms. Plan on negotiating on the price. It is advisable to discuss the possibility of a trade-in of your old car only after you have negotiated the best possible deal on the price of your new car.

Be sure to research the value of your old car prior to trading it in to a dealer. You may obtain the **Kelly Blue Book** value of your car via the Internet at <http://www.kbb.com/>. If you enter particular information about your automobile, the site will calculate the approximate value of it and you can keep this information in mind when selling or trading in your car. The site also provides information on the new car costs.

1.C.i.a. Buying a Used Car

If you buy a used car through a private sale, it is usually on an "as is" basis, unless the written contract with the seller specifically provides otherwise. This means that no warranties are provided. You should ask the seller if you can have the vehicle inspected by your own mechanic and you should also take the car for a test drive before you purchase it.

Before buying a used car, it is a good idea to jot down the **Vehicle Identification Number (VIN)** found on the dashboard. You may then use one of the Internet sites such as **Carfax** at <http://www.carfax.com/> to learn more about the history of the car (such as the mileage at time of prior transfers, whether the car was a manufacturer buyback or "lemon", or has been reported as a wreck by an insurance company). This is not foolproof since not all information gets reported to state agencies.

The **used car lemon law** says used car dealers must provide a minimum warranty on any vehicle for sale, unless the vehicle:

- is sold for less than \$1,500.00,
- has more than 100,000 miles on it, or
- is considered a "classic car."

The only other exception is if the consumer agrees to give up her rights provided under the law and the dealer posts a conspicuous notice (at least 8½" by 11") on the windshield of the car that states, "NO WARRANTY AS TO CONDITION - SOLD AS IS." The waiver or disclaimer must also be listed on the bill of sale and be separately initialed by both purchaser and dealer.

The terms of the written warranty required by this law depend on the number of miles the used car has on it. It requires the dealer to repair or pay back the consumer for the reasonable cost of fixing the failure of a covered part. Covered parts usually include the engine, transmission, drive axle, brakes, radiator, steering and the ignition system (excluding the

battery). The written warranty may say it doesn't cover specific parts or items. Be sure to read the entire warranty to make yourself aware of what is and is not covered under the warranty.

If the dealer doesn't honor the warranty and fix a problem after a reasonable period of time, and the defect substantially impairs the value of the car, the dealer must take back the car and refund your money, including sales tax. If you caused damage to the car, the dealer can give you back less money. If you made any changes to the car, the dealer has to either increase or decrease the amount of money it gives you to match the current value of the car. The dealer may offer to replace the used vehicle with a comparably priced vehicle, but you don't have to accept the vehicle--you can always decide to receive the refund.

1.C.i.b. Buying a New Car

The **new car lemon law** says manufacturers and their authorized dealers are required to make repairs to conform with any warranties provided or implied by law for a period of at least one year or 15,000 miles, whichever comes first. You should notify the car's manufacturer or the dealership you bought the car from, and they must fix the problem.

If the manufacturer or dealer does not correct the defect after four attempts for the same defect, the manufacturer must:

- take back the car and refund the full price you paid, minus a small amount of money for the use of the car; or
- replace it with a comparable new car in good working order within 30 days of when you return the car.
- You do not have to accept a replacement vehicle--you may always choose to receive the refund.

When buying a new car, remember that a warranty is normally included in the price of the car, while a service contract costs extra. Before paying extra for a service contract, it is important to find out exactly what the service contract covers and how much it will cost. The service contract may simply duplicate coverage already available under the manufacturer or seller's warranty included with the car.

For more information about the Rhode Island lemon laws for new and used cars, call the **Dealer's License and Regulation Office** at the **Registry of Motor Vehicles** at 401-722-3450.

1.C.ii Buying a Home

Please refer to section [9.F - Homeownership](#) for more information.

1.C.iii Home Improvement Problems

Before hiring a contractor to work on your home you may want to check with the **Better Business Bureau (BBB)** at 401-785-1212 to check that there are no complaints against the contractor or home improvement company. The BBB also has a free publication about what to think about when you are planning a home improvement project entitled **Home Improvement**.

You may also contact the **Rhode Island Contractors' Registration Board** in writing at One Capitol Hill, Providence, RI 02908, to request a reference on a contractor. The Board will supply you with a copy of the **master screen**, which should give you basic information on the contractor and let you know if there have been claims filed against the contractor.

If you are having a problem with work done by a contractor within the last year, you may file a complaint with the **Contractors' Registration Board** at 401-222-1270. There is a \$25.00 fee to have the Board investigate the matter. The Board may hold a hearing before a hearing officer in order to resolve the matter between the homeowner and the contractor.

1.C.iv Rent to Own Sales

Rent to own companies rent televisions, stereos, furniture and appliances with an option to purchase. *By renting instead of buying, you may pay at least 3 or 4 times what it would cost to buy the item.* For example, you may be able to buy a 19-inch color television for \$300. In a rent-to-own sale, the agreement might require you to pay \$16 per week for a period of 53 weeks in order to own the television, which is a total of \$832.

There are laws to protect your rights when you're dealing with rent-to-own businesses. The law says that the business must give you:

- A brief description of the merchandise, and tell you whether it is new or used;
- the total cost of the merchandise, including the amount of any payment required before you sign the lease (down payment or deposit) and any payment for fees or taxes;
- the number, amount and due dates for payments under the lease;
- information about any other payments not included in the regular payments;
- details about whether you have the choice to purchase the item, and how much it would cost;
- a description of any warranties provided;
- a statement about who is responsible for maintaining or servicing the merchandise; and
- information about whether you are required to have insurance.

1.C.v Check Cashing and Payday Lenders

Some check cashing companies advertise that they provide short-term loans. *Be aware that the interest rates are usually very high!* Although these companies often do not say they charge interest or that the transactions are even loans, you should read the papers carefully before you sign. In most cases, the check casher will take a personal check from you and hold it for one or two weeks without cashing it. In return, they will give you an amount of cash that is less than the written amount of your check.

At the end of the one or two week period, you must either pay back the full amount of the check (more than what you were given), or the check casher will cash the check. Often, the check casher will try to get you to write another check in a larger amount and give you little or no cash back. In this way, the check casher gets more money from you and you get further into debt.

The difference between the amount of your check and the amount of cash you get in return is interest that the check casher is charging you (though they will often refer to it as a check-cashing fee). This interest can be extremely high. For example, to get a \$200 loan, you may be asked to write a check for \$256. If you pay back the \$200 in a week, the \$56 extra charge would be equal to an interest rate of 681% on an annual basis.

Rhode Island law requires that check-cashing services be licensed and it also limits the amount that check cashers can charge. If you have a problem with a check cashing company, you should call the **Department of Business Regulation** at 401-222-2405.

Door-To-Door Sales

1.C.vi Door-To-Door Sales

Door-to-Door sales involve sales people who come to your home to sell you products, such as magazine subscriptions, books, cookware, and home improvements. The Rhode Island Home Solicitation Sales Act protects you when you make a purchase at home. Sometimes, it even covers purchases from temporary business locations (like stands or booths).

The Home Solicitation Sales Act is for purchases over \$25.00 and says that:

- the seller has to give you a copy of the sales agreement that describes your cancellation rights and other important rights;
- you have a right to cancel a door-to-door sales agreement by sending a written notice of cancellation by certified or registered mail, within 3 business days (excluding Sunday and holidays) of the time you sign;
- if you cancel an order, the seller must return the price paid or deposit, less a \$5.00 cancellation fee, within twenty days;
- if you cancel an order, the seller must also cancel any agreements you may have made to pay the balance of the sale price; and
- you may keep the goods until the seller refunds your money.

1.C.vii Telephone Sales and Mail Fraud

Like many consumer protection agencies, the **Rhode Island Attorney General's Office** receives many complaints about sweepstakes and prize promotions. If you receive a notice in the mail claiming that you have won a prize, be on your guard. Read all of the fine print. These "prizes" are often used to make consumers purchase magazines, jewelry, and cosmetics or to get you to give money to fake charities. *Do not send a check to a promotional company*, especially if they urge you to do so immediately, such as by overnight mail.

To avoid sweepstakes scams, you should:

- never give out your social security number to an unauthorized person, especially those that contact you via the phone;
- never give out savings or checking account number to someone you do not know; and
- never give someone your Personal Identification Numbers (PIN).

Do not give these numbers out even if you are told that they are necessary for you to collect your "prize." *If you have to pay, it is not "free" or a "prize."*

The Rhode Island Telemarketing Sales Rules cover telephone sales made within or into the State of Rhode Island. These rules say that:

- for-profit telephone sales companies must register with the Department of the Attorney General on a yearly basis;
- telemarketers (telephone salespeople) can only call between the hours of 8:00 A.M. and 9:00 P.M.;
- telemarketers must tell you it is a sales call; and
- if a call is about a sweepstakes, they must tell you the odds of winning and conditions of receiving the prize.
- Before you buy anything from a telemarketer, you should ask for written information. Read all the information before buying a product or entering a sweepstakes.

You have a right to not be called by telemarketers. You may also register your telephone number on the national **Do Not Call List** by calling the **Federal Trade Commission** at 888-382-1222, or by visiting www.donotcall.gov.

If you think there is a sweepstakes scam or other telemarketing fraud, you should call the **Department of Attorney General, Consumer Protection Unit** at 401-274-4400. You may also file a complaint with the **Better Business Bureau (BBB)** at 401-785-1213.

In order for a charity or a professional fundraiser to solicit in Rhode Island, it must register with the **Department of Business Regulation, Charities Section**. You can call the **Department of Business Regulation** at 401-222-3048 for information about a charity. Complaints may be filed with the **National Fraud Information Center (NFIC)** by calling 1-800-876-7060.

Professional fund-raisers often handle large solicitations for charities and are paid a percentage of the funds they collect. *You can ask a solicitor if he or she is a paid fund-raiser and if so, what percentage of your donation the fund-raiser keeps.* If you are not happy with the answer you can opt not to contribute.

1.C.viii Consumer Complaints

The **Attorney General of Rhode Island** investigates claims of unfair and unlawful business practices and may talk to the business, but it does not act as your private attorney. If there is a pattern of illegal activity, they may file a lawsuit on behalf of the people of the State of Rhode Island, but the Attorney General will not file a private suit. If you have a consumer problem you may contact the **Consumer Protection Unit of the Attorney General of Rhode Island** at 401-274-4400.

1D UTILITIES

1.D.i Protection Against Utility Shut Off

There are special rules preventing shut off of utilities during the winter (November 1 through March 31) if:

- you are eligible for energy assistance;
- you or anyone in your household is disabled;
- all members of your household are age 65 or older;
- you are unemployed and collecting unemployment benefits.
- If you are in one or more of those situations, you should tell the utility company about it and that explain you are unable to pay your bill. The utility company may ask you to show proof of your situation. You will be required to enter into a payment plan.

There is also a special rule that applies when a *legally married* couple separates and the spouse who leaves the house had the utility bill in his name or was the main wage earner. If this happens, the utility company cannot shut off your service or make you pay the old bill as long as you:

- show proof that your spouse has left the house,
- give information about your spouse's new address (if you know), and
- agree to set up a new account in your name.

Also, the utility company may not shut off service if someone in the home is seriously ill. If this is the case:

- have your doctor contact the utility company by phone, and send a follow-up letter within 7 days of the call;
- the doctor must describe the illness and state that the illness "is or has a significant potential to be life-threatening or to cause irreversible consequences to human health."

Sometimes the person you speak to on the phone will not know about these regulations. If this happens, ask to speak to his or her supervisor or manager. You have a right to these protections.

Before a utility company can shut off your service for failure to pay the bill, it must send you a notice at least 10 days prior to the shut off date. You should contact the company *immediately* to either enter into a payment plan or advise them that you are protected against the shut off.

1.D.ii Right to Appeal

If you have a problem with your utility service or you are unhappy with a decision by a utility company, you may have the dispute reviewed by the **Division of Public Utilities and**

Carriers (their phone number is 401-780-9700). There are 3 levels of the review process, but as long as your appeal is still under review, your service may not be shut off.

1.D.iii Deregulation of Utilities

The **Utility Restructuring Act** made Rhode Island one of the first states in the nation to allow people to choose their electric power supplier. Suppliers can advertise and offer service to residential customers.

Your local electric company will continue to provide your power until you choose a competitive service supplier. You should choose a power supplier by comparing energy rates from your bill to those of the competitor. Once you select a competitive power supplier you may still switch to another supplier, but you might be charged a penalty or fee.

Local residential phone service is offered by competitors. Additional information may be obtained by contacting the **Division of Public Utilities and Carriers** 401- 780-9700.

1.D.iv Telephone Service: Slamming

If your telephone long distance company has been switched without your consent, then you may be a victim of "**slamming**." Slamming is currently the number one telephone related complaint received by the **Federal Communications Commission (FCC)**.

Steps you can take to protect yourself against slamming are:

- call your local telephone company and tell them that you do not want your long distance service changed unless you send them written authorization
- read your entire telephone bill every month to make sure that you have the same long distance company
- read the small print on all documents and checks before signing so you don't mistakenly sign an agreement to change your carrier.

If you think you have been "slammed", you should file a complaint at with the **Public Utilities Commission** at 401-780-9700 and also contact the **Federal Communications Commission (FCC)** at 202 418-3676

1E QUICK CONSUMER REFERRAL NUMBERS:

The Rhode Island Attorney General's Consumer Protection Unit: 401-274-4400, ext. 1

Provides advice for solutions to consumer complaints, offers referral numbers for more specific complaints. Free handbook entitled "Navigating Your Way Through the Consumer World."

Division of Banking with the State Department of Business Regulation:
401-222-2405. General TDD number: 401-222-2223

Call for complaints about Rhode Island banks

The Charities Division at the State Department of Business Regulation:
401-222-3048. General TDD number: 401-222-2223.

Call to check on if a charity is registered in the State of Rhode Island.

The Contractor Registration Board: 401-222-1270

Call to check on if a contractor is licensed or not and if there have been any claims against him or her.

The State Dealers Hearing and Regulation Office at the State Division of Motor Vehicles:
401-722-3450/721-2687

Call to complain about a car dealership's sales and/or service.

The State Public Utilities Commission's Consumer Section: 401-780-9700. Voice/TDD 401-941-4500.

Call for complaints about RI/in-state moving companies, telephone service, gas service or electrical service.

Small Claims Court: 401-458-5402

Call if you have a complaint that involves less than \$2,500 dollars worth of goods or service.

Rhode Island State Police: 401-444-1000. TTY: 401-444-1144.

Call if you have a criminal complaint (or call your local police department)

The Department of Elderly Affairs: 401-462-3000. TTY: 401-222-2880
Call if you are an elderly person with a complaint, a question or concern.

RI Relay

General Number: 1-800-745-5555 TTY/TDD

Spanish Relay: 1-800-855-2884 TTY/TDD

CHAPTER 2 CRIMINAL LAW

Glossary:

Complainant: Person who makes a formal complaint that she was the victim of a crime

Conviction: Finding of guilt, either after trial, or as result of pleading to criminal charges

Defendant: Person who is charged with committing a crime

Indigent: Unable to pay an attorney; person who can't afford a lawyer

Prosecutor / prosecution: The person and/or institution conducting legal proceedings against a defendant for criminal behavior

Nolo Contendere: A plea in a criminal case in which the defendant does not either admit or deny charges, but a fine or sentence may be imposed on that person. This is different from a guilty plea in that it may not be used against the defendant in civil actions based on the same acts.

2A WHAT IS A CRIME?

A **crime** is an offense against the law for which a person may be punished. There are several types of crimes:

- **Violations:** Violations are very minor crimes. Most traffic offenses, like parking tickets, broken headlights, etc., are violations, as well as things like improperly disposing of trash. Violations can be punished only by a fine of not more than \$500; jail is not a possible sentence.
- **Misdemeanors:** Misdemeanors are more serious offenses than violations. Some examples of misdemeanors are driving while intoxicated, stealing property worth less than \$500, and simple assault.
- A **petty misdemeanor** is any offense punishable by a fine of \$500 or less and/or by imprisonment for six months or less. All other misdemeanors are punishable by imprisonment for more than six months but not more than one year, or a fine of more than \$500 but not more than \$1000. On conviction of a misdemeanor, a sentence may include jail, probation, a fine, or some combination. Sometimes restitution is ordered as well.
- **Felonies:** These are the most serious criminal offenses. Some examples of felonies are murder, rape, robbery, burglary, breaking and entering, forgery, and stealing property worth more than \$500. A felony is punishable by a fine of more than \$1,000 or imprisonment for more than one year. As is true of misdemeanors, the sentence may consist of jail, probation, a fine, or any combination

2B WHERE DO TRIALS AND HEARINGS TAKE PLACE?

It's very important to know the court where the charge will be heard because when a defendant fails to appear in court, the judge can issue an arrest warrant and the police can arrest that person. The court that will hear a criminal charge is determined by the location of the incident and the seriousness of the offense. If you do not know what court location you are supposed to go to, call the **Rhode Island Attorney General's Office at 401-274-4400**.

Traffic violations are often heard in traffic court. Other violations and misdemeanors are heard in **DISTRICT COURT**. There are eight Divisions of the District Court located throughout the State, although several of them are combined in one building in Providence. The particular Division hearing a criminal case is determined by where the crime supposedly happened, not by where the defendant lives.

2.B.i District Court Division Locations

First Division District Court
(Bristol County cases)
Providence, RI 02903
458-5400

Garrahy Judicial Complex
One Dorrance Plaza

Second Division District Court
(Newport County cases)
Newport, RI 02840
846-6500

Murray Judicial Complex
Eisenhower Square

Third Division District Court
(Kent County cases)
Warwick, RI 02893
822-1771

Leighton Judicial Complex
222 Quaker Lane

Fourth Division District Court
(Washington County cases)
W. Kingstown, RI 02892
783-3328

McGrath Judicial Complex
1693 Kingstown Road

Fifth Division District Court
(Pawtucket area cases)
Providence, RI 02903
458-5201

Garrahy Judicial Complex
One Dorrance Plaza

Sixth Division District Court
(Providence area cases)
Providence, RI 02903
458-5400

Garrahy Judicial Complex
One Dorrance Plaza

Seventh Division District Court
(Woonsocket area cases)
Providence, RI 02903
458-5400

Garrahy Judicial Complex
One Dorrance Plaza

Eighth Division District Court
(Cranston area cases)
Providence, RI 02903
458-5400

Garrahy Judicial Complex
One Dorrance Plaza

Felonies are usually heard first in the District Court in most cases. Again, the particular District Court Division depends upon where the crime happened. Eventually, however, most

felonies are heard in a **SUPERIOR COURT**. The Superior Courts are located in each of the counties of Rhode Island, except that there is no Superior Court in Bristol County; Bristol County felonies are heard in Providence County.

2.B.ii Superior Court Locations

Providence Superior Court
250 Benefit Street
Providence, RI 02903
222-3220

Licht Judicial Complex

Kent County Superior Court
222 Quaker Lane
Warwick, RI 02886
822-1311

Leighton Judicial Complex

Washington County Superior Court
4800 Tower Hill Road
Wakefield, RI 02879
783-5441 TTY: 782-4139

McGrath Judicial Complex

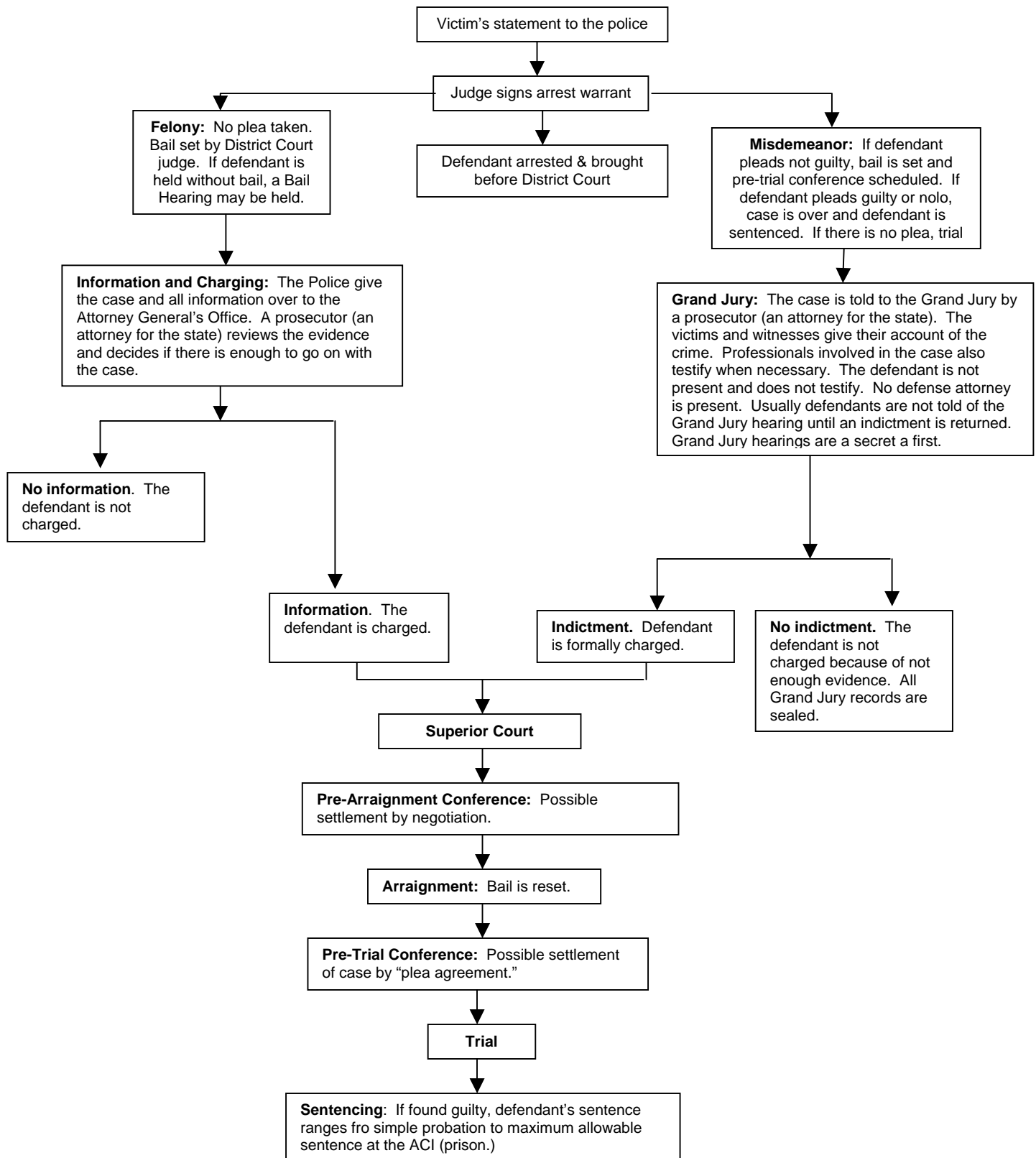
Newport County Superior Court
Eisenhower Square
Newport, RI 02840
846-5556

Murray Judicial Complex

2C WHAT HAPPENS WHEN A CASE GOES TO COURT?

Most people know nothing about how the courts operate unless they have been charged before with a crime. Even then, they may not have fully understood what was happening. That lack of understanding often results in so much energy being used up just in figuring out what is going on that attention is taken away from important decisions that have to be made. One of the advantages of having a lawyer is that he or she can explain what is going on and what is likely to happen next.

2.C.i Superior Court Process Flow Chart



2.C.ii Misdemeanors

If the case is a misdemeanor, it will go to the District Court. The first appearance of a defendant in District Court is called an **arraignment** (pronounced a-rayn-ment). At this appearance, the charge will be read and the judge will ask the defendant to plead **guilty, nolo contendere, or not guilty**. If a plea of guilty or nolo contendere is made at arraignment, sentencing will probably be immediate and the case will be over. If there is a not guilty plea at arraignment, a later date will be set for trial or **disposition**. (Disposition is court language that implies there may be an eventual guilty or nolo plea.)

The second event at arraignment is the setting of bail. Bail is a way to assure the court that the defendant will continue to return voluntarily to court whenever s/he is required to be there. Defendants charged with most offenses are entitled to have bail set; sometimes, the setting of bail will require that the defendant deposit an amount of money with the court, sometimes not.

Usually before a trial occurs, there is a pretrial conference. At the pretrial conference, the defense lawyer, the prosecutor, and the judge will sit in the judge's office and discuss whether the case should go to trial or whether a plea bargain is possible.

A person found guilty in District Court has the right to appeal to the Superior Court by filing a written notice within five days of sentencing with the clerk of the District Court. An appeal taken to the Superior Court results in an entirely new trial in that court, with a jury, as if the first trial never happened: the sentence that the District Court imposed will be vacated (erased).

2.C.iii Felonies

Felonies can only be handled to completion by the Superior Court; the District Court can only handle misdemeanors and violations to final completion. Usually, however, felonies start in the District Court, with a police complaint charging a crime. At arraignment in the District Court, a **not guilty plea** will automatically be entered because the District Court cannot take a nolo or guilty plea to a felony. Only two events can occur in the District Court on a felony: arraignment and, in most cases, **felony screening**.

Felony screening, often called **pre-arraignment conference**, is similar to a pretrial conference, and is an opportunity for the attorneys and the judge to discuss the case and the charges that will be brought in Superior Court. A case can be plea-bargained at felony screening and, if the defendant pleads guilty or nolo contendere at that time, the prosecution will end.

If there is no plea bargain at felony screening, the case will be referred to the Superior Court. When charges are filed in the Superior Court, the defendant must appear for a new arraignment. The arraignment in the Superior Court will be much like the one in District Court, but this time the defendant will be asked to enter a plea.

After the arraignment in the Superior Court, the case will be continued for further proceedings. There may be a plea bargain in the case, or the case may go to trial.

2D TIPS FOR GOING TO COURT

2.D.i How to Prepare:

- Arrive at the Courthouse at 8:30 AM on the morning of your hearing. Court starts exactly at 9:00 AM.
- There is often a line to get into the courthouse in Providence County. If you are late, your case may be dismissed.
- Dress in nice slacks or a skirt. Some judges will not let you in with shorts, halter tops or tank tops in their courtroom.

2.D.ii What Happens in Court:

- When Court begins the clerk will read out the list cases for the day.
- Answer "Here!" loudly and clearly when your name is called.
- After the clerk has called the calendar (the list of cases for the day), the judge will hear the cases one at a time.
- When your case is called, walk to the front of the courtroom.
- If you are told to testify, be sure that you testify to the facts you wrote in your affidavit (legal statement of the facts) first. You can add additional facts after that. Be specific with your facts.
- Show respect to the Judge and others.
- If the other person who is taking you to court or the person you are taking to court has a lawyer, it is always better to ask for time for you to get a lawyer too.
- You can bring someone, like a friend or family member, to court with you for support but they must stay seated in the section for the public. S/he cannot go to the front of the courtroom with you when your case is called.

2E IF YOU ARE ACCUSED OF A CRIME

2.E.i When is There a Right To Counsel?

The law guarantees an attorney to indigents (people who can't afford a lawyer) only if they are charged with a crime which carries a possible punishment of jail; that means someone who is indigent can get a free lawyer if charged with any felony or misdemeanor, but not if the charge is only a violation. In the case of a misdemeanor, an indigent is entitled to a free lawyer only if the judge might impose a jail sentence upon conviction.

The right to counsel does not apply only in the courtroom. If you are arrested and the police want to question you, you have a right to talk to a lawyer first and have the lawyer with you if you decide to answer questions.

If you are charged with a crime and wonder if you're entitled to a free lawyer, you should contact the **Public Defender's Office**. The Public Defender's Office is a state agency that supplies attorneys free of charge to represent certain people charged with crimes. Every Public Defender lawyer is a paid, fulltime attorney who is educated and licensed in the same way as private attorneys. If you have a problem with your assigned Public Defender and would like to change to a different one, it is important to note that there is no procedure to do so because changing your public defender is strongly discouraged. However, if you have a real problem with your public defender you should contact **John Hardiman** at 401-222-3492. You should respectfully outline the problem you are having with your attorney and request that another one be assigned to you. In some instances, John Hardiman may grant you a change in your attorney, but that is not often. Do **not** talk to the judge about your request for a change of your public defender.

A defendant is entitled to **Public Defender** representation if she is indigent.

The **Public Defender** has several offices throughout the State:

Main Office

4th Floor, 100 North Main Street
Providence, Rhode Island 02903
401-222-3492

Branch Offices

J. Joseph Garrahy Complex
One Dorrance Plaza
Providence, Rhode Island 02903
401-458-3050
(District Courts for Providence/Bristol Counties and Providence Family Court)

Licht Judicial Complex
Fourth Floor
250 Benefit Street
Providence, Rhode Island 02903
401-222-1312
(Providence County Superior Court)

Leighton Judicial Complex
222 Quaker Lane
Warwick, Rhode Island 02893
401-822-2195
(3rd Division District, Kent Superior and Kent Family Court)

McGrath Judicial Complex
Room 244
4800 Tower Hill Road
Wakefield, Rhode Island 02879
401-782-4180
(4th Division District, Washington County Superior and Family Court)

Murray Judicial Complex
Eisenhower Square
Newport, Rhode Island 02840
401-841-8320
(Newport County District, Superior and Family Courts)

2.E.ii What Court Do You Go To If You Are Charged With A Crime?

It's very important to know the court where the charge will be heard because when a defendant fails to appear in court, the judge can issue an arrest warrant and the police can arrest that person. The court that will hear a criminal charge is determined by the location of the incident and the seriousness of the offense.

Traffic violations are often heard in traffic court. Other violations and misdemeanors are heard in **DISTRICT COURT**. There are eight Divisions of the District Court located throughout the State, although several of them are combined in one building in Providence. The particular Division hearing a criminal case is determined by where the crime supposedly happened, not by where the defendant lives. (See the list in The "Where Do Trials Take Place" section of this chapter for Superior Court Locations).

Felonies are usually heard first in the District Court in most cases. Again, the particular District Court Division depends upon where the crime happened. Eventually, however, most felonies are heard in a **SUPERIOR COURT**. The Superior Courts are located in each of the counties of Rhode Island, except that there is no Superior Court in Bristol County; Bristol County felonies are heard in Providence County. See section [2.B.ii - Superior Court Locations](#) for more information.

2.E.iii What You Should Know About Court Proceedings If You Are Charged With a Crime

To understand more about how courts operate, see section [2.C- What Happens When A Case Goes To Court?](#) for more information.

Knowing what is happening in court will help you and your lawyer make important decisions. If you are charged with a crime, there are aspects of the court process not covered in the earlier part of this chapter that you will need to know.

2.E.iii.a. Misdemeanors

Misdemeanors and violations are handled by the District Court. If charged with a misdemeanor, the first appearance in District Court will be for the **arraignment**. The charge will be read and the defendant will plead **guilty, nolo contendere, or not guilty**. Unless there is a very good reason to do otherwise, a plea at arraignment should always be "not guilty" because a defendant needs time to talk with a lawyer or think it over. A guilty plea can always be entered later. A defendant has the right at almost any time to change his or her plea from not guilty to guilty. It is not usually possible, however, to change from a guilty plea to a not guilty plea. Once a guilty plea is entered, it usually is permanent. If a plea of guilty or nolo contendere is made at arraignment, sentencing will probably be immediate and the case will be

over. If there is a not guilty plea at arraignment, a later date will be set for trial or **disposition**. (Disposition is court language that implies there may be an eventual guilty or nolo plea.)

Two determinations are made at arraignment:

- A defendant's **bail** status while the case continues. Bail is a way to assure the court that the defendant will continue to return voluntarily to court whenever s/he is required to be there. Defendants charged with most offenses are entitled to have bail set; sometimes, the setting of bail will require that the defendant deposit an amount of money with the court, sometimes not.
- If counsel will be appointed. Indigent defendants who request an attorney are referred at this point to the **Office of the Public Defender** for a financial interview.

At the **pretrial conference** described in The Criminal Justice System part of this chapter, it is decided whether the case should go to trial or whether a plea bargain is possible.

With misdemeanors, a defendant is entitled to have a first trial before a judge in the District Court, and a second trial *if s/he wants to* before a jury in the Superior Court. Or, s/he can choose to skip the District Court entirely and have one trial in the Superior Court, before a jury or a judge. In order to have a District Court trial first, a defendant must file a **waiver of jury** form in the District Court. Unless this form is filed, the District Court will send the case to the Superior Court.

A person found guilty in District Court has the right to appeal to the Superior Court by filing a written notice within five days of sentencing with the clerk of the District Court. An appeal taken to the Superior Court results in an entirely new trial in that court, with a jury, as *if the first trial never happened*: the sentence which the District Court imposed will be vacated (erased).

2.E.iii.b. Felonies

Felonies can only be handled to completion by the Superior Court; the District Court can only handle misdemeanors and violations to final completion. Usually, however, felonies start in the District Court, with a police complaint charging a crime. **Arraignment** is held in the District Court similarly to an arraignment for a misdemeanor except that a **not guilty plea** will automatically be entered because the District Court cannot take a nolo or guilty plea to a felony.

Only 2 events can occur in the District Court on a felony: arraignment and, in most cases, felony screening. **Felony screening**, often called **pre-arraignment conference**, is similar to a pretrial conference, and is an opportunity for the attorneys and the judge to discuss the case and the charges that will be brought in Superior Court. A case can be plea-bargained at felony screening and, if the defendant pleads guilty or nolo contendere at that time, the prosecution will end.

If there is no plea bargain at felony screening, the case will be referred to the Superior Court. When charges are filed in the Superior Court, the defendant must appear for a new arraignment. The arraignment in the Superior Court will be much like the one in District Court, but this time the defendant will be asked to enter a plea: again, one should *never* plead guilty or nolo contendere at arraignment without a very good reason after consulting with an attorney. This is such a clear rule that most judges will not even let a defendant who has no attorney to plead guilty or nolo contendere to a felony at arraignment.

After the arraignment in the Superior Court, the case will be continued for further proceedings. There may be a plea bargain in the case, or the case may go to trial.

2F SENTENCING AFTER A GUILTY FINDING

Sentencing can be very confusing in criminal cases because there are several possibilities. Sentencing for misdemeanors and for felonies is very similar, although the sentence for a misdemeanor will usually be shorter since the maximum sentence for a misdemeanor is only one year in jail. There are many kinds of sentences, some of which are very complicated. Any of these sentences may be imposed for a misdemeanor or a felony, and they may be imposed individually or in combination with another.

2.F.i Monetary Penalty

This is a sentence that requires a defendant to pay a determined amount of money, usually to the court or state. If the money required to be paid is to go to the court, the penalty is called a **fine**. Other monies paid by the defendant can go to the **Criminal Injuries Compensation Fund** to help compensate victims of crime statewide.

Depending upon the crime that the defendant is convicted of, other monetary penalties may be assessed. **Restitution** is a monetary penalty that the court can order a defendant to pay to a specific victim, usually to repay the victim for some loss suffered in the crime. The judge will assess the damages and review the victim's statements to set an appropriate restitution amount. There can be other monetary penalties and assessments as well.

If a defendant does not have the financial ability to pay a fine or other monetary assessment, the Court may permit payment in installments, on a specific schedule. A person may not generally be imprisoned because of inability to pay a monetary penalty, so long as s/he does not have the ability and is in good faith. A person *may* be imprisoned for non-payment if s/he has the ability to pay but simply refuses. If the defendant has a change in income and can no longer pay the Court ordered payments, the defendant must contact the Court that determined the payments as soon as possible. If the defendant has an attorney, the attorney should be contacted as soon as possible as well in order to ask for assistance. If a Probation Officer is involved, the Probation Officer should be made aware of the change in income as soon as possible also. Do **not** just try to get away with not paying because that may result in a warrant being placed out for your arrest.

2.F.ii Imprisonment

Imprisonment at the Adult Correctional Institutions in Cranston may be imposed for a fixed period of time. **Home confinement** is a kind of imprisonment, supervised by the **Department of Corrections**, even though the defendant continues to live at home. Only some defendants are qualified for home confinement, and the judge must approve it.

2.F.ii.a.1.i Women in Prison

Many of the women who are in Rhode Island's prison system are there for non-violent offenses. In fact, the most common crimes that women are imprisoned for are prostitution, larceny, and possession or manufacturing/delivering of narcotics. Most female inmates are also young. Almost half are under the age of 30. Three-quarters are mothers. Many lack education and/or work training and may have a history of abuse or mental health problems.

The Rhode Island Department of Corrections is committed to providing appropriate, safe, and humane control of female offenders and women awaiting trial. There are many services available through the prison system to help female inmates get back on their feet when they are released. Among them are:

- educational programs
- mental health services and counseling
- substance abuse treatment
- parenting education
- domestic violence counseling
- sexual assault, rape and childhood sexual abuse counseling for victims
- HIV/AIDS peer education and training
- religious services and bible study
- Lifeline, which trains long term mature women inmates as Peer Counselors
- Women in Transition, which pairs civilian volunteers with inmates to help in transitioning back into the community after release

Inmates are also encouraged to have regular social visits with relatives and others in order to maintain close family ties and positive support systems.

2.F.iii Suspended Sentence

This is when the judge actually imposes a certain period of imprisonment but orders that the sentence be postponed while the defendant is on **probation**. If the probation is completed successfully, the imprisonment never will be served. If a sentence is completely suspended, the defendant will never have to serve any actual jail time, assuming the period of probation is completed successfully. If a sentence is partially suspended, there will be some period of actual jail, followed by a period of probation; if the probation is completed successfully, the rest of the jail sentence will never have to be served. A suspended sentence is conditional: so long as the behavior on probation is good, the defendant will not have to go to jail. If the probation is broken, or violated, the defendant may be sent to jail to serve whatever amount of time was suspended.

2.F.iv Straight Probation

This is similar to a suspended sentence, and requires good behavior while on probation. The difference between a suspended sentence and straight probation is that the defendant is not told in advance how much jail time s/he is in jeopardy of receiving if there is a violation of probation. The amount of time that a defendant may be required to actually serve in jail if s/he breaks the terms of probation is whatever the maximum imprisonment is by law for that offense.

2.F.v Deferred Sentence

A sentence may be deferred and a defendant is placed on probation. When sentencing is deferred, it is totally postponed. As with straight probation, there is no warning about how much imprisonment might result if the probationary terms are broken; it is left wide open. The only difference between straight probation and a deferred sentence is that with straight probation, the period of probation is set by the judge and begins to run immediately (or at some specific date determined by the judge). With a deferred sentence, the probation keeps going until the defendant has completed *five consecutive years of good behavior on the street*. If there is any interruption of the five consecutive years by a jail term for another offense, the five years begins to run all over again when the defendant is released from jail. Deferred sentencing may not occur after a guilty plea or after a trial at which a defendant has been found guilty. It can only occur after a plea of nolo.

With both straight probation and a deferred sentence, no conviction results if the defendant completes the probationary period successfully. Imposition of straight probation or a deferred sentence does not result in a criminal record if the probation ends successfully.

2.F.vi Immigration Consequences of Criminal Convictions

If you are not a United States citizen, and you are convicted of a criminal offense, you might be deported. Whether or not you may be deported depends upon the offense and may depend upon the sentence imposed. *If you are charged with a crime and you are not a United States citizen, you should tell your lawyer that you are not a citizen and discuss with him/her whether, if found guilty after trial or if you plead to the charge, you will face possible deportation.* This is another reason why it is very important to talk to a lawyer before deciding to plead to criminal charges because, if you are not a citizen, you may put yourself in jeopardy of being deported without realizing it. (Another resource for information is the **International Institute**, 645 Elmwood Avenue, Providence, RI 02907, Tel. # 401-461-5940).

2.F.vii Loss of Rights Due to Criminal Conviction

If you are convicted of a felony you may lose many rights. *Your rights will be restored as soon as your sentence is completed, including completion of parole or probation.*

You will lose your right to vote if convicted of any felony. See [13.C – Losing Your Right to Vote](#) for more information. Other rights can be lost, depending upon the crime of which you are convicted. Different felony crimes can mean the loss of different rights, and this can be confusing. If you have any questions as to what rights you may lose after a conviction of a certain felony, please talk to your probation officer.

If you are convicted of a felony, you may not:

- serve as a juror until you have completed your sentence, including parole or probation.
- purchase, own or carry any gun or firearm.

If you are convicted of selling or distributing drugs, you are no longer eligible or able to receive public assistance and food stamps through the Family Independence Act. (If you were already on Public Assistance prior to the Family Independence Act, then this right may not be taken away. Please contact DHS for more information.)

If you are convicted of possession or sale of drugs, you become ineligible for federal financial aid.

If you are holding or seeking to hold an elected state or local office and you are convicted of or plead nolo contendere to a felony or to a misdemeanor resulting in a jail sentence of 6 months or more, you can no longer hold office or run until 3 years have passed following the completion of the sentence, including parole or probation.

If you are convicted of a felony regarding the profession in which you hold a license for, that will be grounds for revoking or refusing to issue a professional license.

If you are convicted of certain sexual crimes or crimes against minors, there are other requirements you must meet. If you have been convicted of:

- a criminal offence against a victim who is a minor,
- a sexually violent offense,
- if you have been determined to be a sexually violent predator, or
- if you have committed an aggravated offense including solicitation of a minor, kidnapping of a minor, murder of a child under 18, child pornography:

you must:

- register your address with your local law enforcement agency every year for 10 years, and you must verify your address quarterly for the first 2 years.
- initially register within 24 hours of conviction, or 24 hours from the time you are released from incarceration.
- if you are convicted as a juvenile, you may need to register for 15 years unless the court deems otherwise.
- register for life, if you have been deemed a sexually violent predator, and you must yearly verifying your address on a quarterly basis for life.

2.F.viii Violation of Probation

Each year, many people are charged with violating probation and they are confused about how this happened and what it means. A **violation of probation** occurs when a condition of probation is broken. General conditions of all probation are to "keep the peace and be of good behavior." There may also be special conditions, such as continuing to be employed, living in a halfway house or participating in some rehabilitative or counseling program. The most common reason why someone is violated on their probation is that they have been arrested for a new offense. If the prosecution believes the terms of probation have been broken, it will charge the defendant with a violation of probation. S/he will be brought to court, usually under arrest, and given a hearing before a judge (not a jury) on whether the conditions of probation were violated.

2.F.viii.a. Costs and Fines

Unfortunately, some women wind up in prison, or back in prison, not because they've committed more crimes, but because they failed to pay court costs and fines. Sometimes women aren't aware of what they must do to make payments or are afraid that, if they couldn't pay the full amount right away, they'd be sent to jail. The women's prison has a **Discharge Planner** for women whose role it is make women aware that non-payment is violation of parole.

Every person convicted of a crime has costs and/or fines to pay to the state . For most people going through the prison system, fines are dealt with when they are eligible for work release. Before individuals can participate in the work release program, they must sign a payment agreement allowing 17% of their pay to go directly to the court to repay fines and costs.

Although a person must pay 17% of her income while in prison, the amount to be paid upon release is up to a judge and is based on a person's ability to pay. A system has been set up with the district and superior courts whereby people leaving prison should be brought in before a **Special Magistrate** automatically before they are released. However, because of many factors, this may not always happen. Each person in prison who is two months from release should check with a counselor to determine if a court date has been set. If not, s/he should ask a counselor or Discharge Planner for help filling out the necessary forms to permit you to go to court before release to set up a repayment schedule. The counselor should also be able to tell you the amount of fines and costs you owe and in which courts.

If no arrangements are made before release to pay fines and costs, you should go to court as soon as possible upon release to set up a plan. Failure to do so could result in going back to prison. If your case was in District Court (a misdemeanor), you can call the District Court clerk in charge of fines and costs. If your case was in the Superior Court, you must meet with the Superior Court clerk in charge of fines and costs. Before you go, you should review all of your income and expenses to determine, realistically, how much you can afford to pay.

The clerk will set up a payment plan for you at that time. S/he has the authority to both delay the period of time before you have to begin paying the fines/costs or lower the installment payment to whatever s/he feels you can afford. **The Clerk's Office** will work with you if you make an effort.

If the Clerk's Office will not agree to the payment plan you feel you can follow, you can go before the judge (either District or Superior Court, depending on what court your case was in). You do not need to be represented by a lawyer to do this. To speak to the judge, ask the clerk for a court date. When you meet with the judge, bring a list of your income and expenses. You can also explain to the judge how you are trying to get your life on track. The judge may grant a request for a delay in payment or agree to a more reasonable payment plan.

2.F.ix Expungement of Criminal Records

Many people with criminal convictions would like to get their records expunged. One of the reasons for this is that it can be very difficult to get a job when an employer asks if you have ever been convicted of a crime and finds out that you have. If your criminal record is expunged, you can say "no" when asked that question and the conviction will not show up on your **Bureau of Criminal Identification (BCI)** report. When criminal records are expunged, they are removed from active files, including the person's BCI report.

The laws on **expungement** state that any person who is a **first offender** may file a motion for expungement in the court in which the conviction took place. According to the law, the term "first offender" means a person who has been convicted of a felony offense or a misdemeanor offense and who has not been previously convicted or placed on probation for a felony or a misdemeanor and there is not criminal proceeding pending in any court. You cannot have your record expunged if you have been convicted of a **crime of violence**. Crimes of violence are: murder, manslaughter, first degree arson, kidnapping with intent to extort, robbery, larceny from the person, first and second degree sexual assault, first and second degree child molestation, assault with intent to murder, assault with intent to rob, assault with intent to commit first degree sexual assault, burglary, and entering a dwelling house with intent to commit murder, robbery, sexual assault, or larceny.

If you were convicted of a **misdemeanor**, you cannot have your record expunged until **five years after you have completed your sentence** (even if your sentence is just probation - the date they go by is five years after you are off probation, not five years after the date of the offense). If you have a **felony** conviction, the law requires that you wait **ten years after your have completed your sentence**. Again, the date they go by is the date you complete your sentence, including any probation, not the date of the offense.

Many people do their own motions for expungement. Various social service agencies have staff members who have been trained to help people do their own expungement motions. If you are interested in trying to get your record expunged and you are already a client of such an agency, you can ask if there is anyone available who can help you. You can also contact **Dorcas Place Literacy Center**, 270 Elmwood Avenue, Providence, RI (273-8866).

Most of the discussion so far concerns the criminal justice system and how a criminal case is processed. Below is a discussion of some of the common questions asked concerning the rights of citizens with respect to the police. All of this advice is very general and specific circumstances of a given case might result in very different answers than the ones given.

2G WHAT IF YOU ARE STOPPED BY THE POLICE FOR QUESTIONING?

Suppose that you're walking down the street and a police officer asks you to stop. Does the officer have the right to stop you for any reason? Do you have to answer any questions that the officer asks you? How long can the police make you stay? Does the officer have the right to search you? These questions come up very often involving stops on the street and stops in cars.

The police may stop for questioning any person who they believe has committed or is committing a crime, or a person who is engaging in suspicious activity (looks like they are about to commit a crime), but that stop must be very brief. The person stopped need not give any information at all. That stop must be only as long as necessary to find out what they need to know. A driver of a car, when stopped, must produce license, registration, and proof of insurance. The police have no legal right to stop just anyone: only persons they have reason to believe have committed a crime, or persons they suspect are carrying weapons, may be stopped for questioning. The stop must be brief, unless the police are prepared to make an arrest. An arrest is justified only when the police have **probable cause** to believe the person is committing or has committed a crime.

There are very special rules for when a car may be searched if a person in the car is stopped or arrested. As a general rule of thumb, the police can search any item within the car itself if it might contain weapons. Nothing in the car is absolutely guaranteed to be secure against a police search, but items in a locked trunk are protected more than items strewn about the seats. Items in a locked container of any sort are more protected than items kept in the open.

Persons stopped on the street need not show police anything. The police may not search a person stopped on the street, unless they are willing to make an arrest, with one exception: if there is a reason to believe the person is armed, police may **frisk** the person (pat down the outside of your clothing). Often if the police believe the person has evidence of a crime in his/her clothing, they will ask him/her to take it out and give it to them. *You have a right to refuse to do this.* If the police are entitled under the law to take the article, they can take it themselves.

So now you know generally what your rights are with respect to being stopped briefly by the police on the street. What should you do if it happens? No one likes to be stopped by the police when all they're doing is going about their own, private, legal business. Usually it is not pleasant to be stopped by the police. Sometimes they are just doing their job; sometimes innocent people are just in the wrong place at the wrong time; and sometimes people are harassed by the police. Sometimes the police stop a person without legal reason to do so. Many times, the police honestly believe that criminal activity might be taking place.

Experience teaches that whether the police will respect someone's assertion of his/her rights may depend on that person's manner. Generally speaking, if you inform the police that you know what your rights are in a polite way, they will respect you ("Officer, I can understand that you might be curious about why I'm on the street at 2:00 a.m., but I don't believe the law requires me to answer your questions. I'm not doing anything wrong and I'd like to go on my way, please.") Asserting your rights in an overly aggressive and "in-your-face" type of way ("Listen, you *****, I'm not answering any of your ***** questions and get the ***** out of my face!") is likely to result in a more hostile (unfriendly) police response and may make the situation more complicated than it would otherwise have been. Attitude is very important, especially with the police. If you are polite and respectful, the police generally will be also and your interaction will be brief.

2.G.i What If You Are Arrested and The Police Want to Question You?

Anything said to a police officer may be used in court, whether it is an oral statement or a *written statement*. Some people think that as long as they do not sign anything, nothing they say can be introduced as evidence in court against them: *this is not true*.

An **arrest** allows the police to keep you locked up until court. If the police want to question you about a crime they think you committed, they first must give some advice, called **Miranda Warnings**.

Here are the **Miranda Warnings** and what they mean:

- "You have the right to remain silent." This means that you are legally entitled to refuse to answer any questions at all.

- "Anything you say may be used against you in a court of law." This means that anything you tell the police, the police can testify to in court.
- "You have the right to an attorney." You need not be alone in the police station. You are entitled to have a lawyer with you during any police questioning.
- "If you cannot afford an attorney, one will be appointed for you." If you are indigent, the police will call a Public Defender lawyer to be with you at the station. If you want to make a statement, or if you do not know whether you want to make a statement or not, the police will ask a Public Defender lawyer to come to the station to consult with you. If no Public Defender is available, wait until you get to court. Do not make a statement just because there is no lawyer available.
- "You have the right to stop questioning at any time." If you begin to give a statement, or confession, you may stop answering questions at any time. Just because you begin does not mean you are "stuck" with your decision. If you change your mind at any time or become unsure, you have a right to stop answering questions.

Another right, which the police may not tell you about, is the right to make a phone call.

The police may ask you to sign papers in the police station. You are not required to sign anything, except you may want to sign what's called an **inventory report** which is a list of all the things taken by the police from you that the police hold while you are in the cell. If you do not sign that report, it is possible you will not get your belongings returned to you.

The police may ask you to sign something called a **rights form**; the police may tell you that signing it simply means that you understand your rights. Sometimes, however, that form has additional things printed on it, such as a statement saying, "I do not want a lawyer present," or "I want to make a statement." If you sign the form, you may be agreeing with those additional statements. You do not have to sign a **rights form** or **waiver form**. You should always first read any document the police ask you to sign, so you know what you might be agreeing to.

2.G.ii What Are Your Rights If The Police Want To Conduct A Search?

The police may search anything if they have a valid **search warrant**, signed by a judge. If the police come to your door and show you the warrant, you must let them in. They may search anywhere the warrant permits. You have a right to see the warrant before you let the police into your house.

If the police **arrest** you, they have a right to fully search your person and clothing. They may open and inspect any article found in your clothing. Under certain circumstances, they may also search your pocketbook or any bag you are carrying. If the police go to a house to arrest someone, they may search the entire house for the subject on the warrant if they believe s/he is there.

Normally, the police are not allowed to search your home without a warrant. One exception is when they are arresting you in your home. If they arrest you in your house, they are allowed to search the nearby area. They are *not* allowed, however, to travel from room to room, searching through your belongings unless they have a search warrant for your home.

Sometimes the police will ask if they can "look around" your house or car. If you agree, you have consented and they may use anything they find in court against you. The police are

able to look and search anywhere if they have your consent. *You do not have to consent to any search.* If you give your consent to search, *you may change your mind at any time.* Even if the police are in the middle of a search, you may tell them to stop.

2.G.iii What if You Are Arrested for Drunk Driving?

If the police stop you because they suspect you are driving under the influence of alcohol, you must give them your license, registration and proof of insurance. They may ask you if you have been drinking. *You don't have to answer any questions.* The police may bring you to the station to take a **Breathalyzer Test**. If you refuse to take the test (a breathalyzer is a machine you breathe into and it measures the percentage of alcohol in your system), the police may report your refusal to the Registry and your license may be suspended for refusal to take the test. The loss of your licenses is separate from the offense of drunk driving and if your license is suspended because you did not take the test, it won't matter whether you are ultimately found guilty of drunk driving or not. If your license is suspended, you are entitled to have a hearing before Registry officials at which you may contest the suspension; you are entitled to have a private attorney represent you at this hearing but, if you are indigent, a Public Defender lawyer *will not* be assigned to represent you.

2H IF YOU ARE A VICTIM OF A CRIME

Glossary:

Crime Victim: A more empowering term is "survivor of crime".

Perpetrator: Someone who commits a crime.

Restitution: A criminal offender, as part of their sentence, must repay the victim or society in money or services as determined by the Judge.

2.H.i The Trauma and Effects of Crime

Becoming a victim of a crime, such as a crime of violence, sexual assault, stalking, a hate crime, robbery, property crime, vandalism, intimidation, fraud, or any other crime, is frightening. If you are a victim or a family member of a victim, the crime has changed your life. The damage to you can be both physical and emotional. You may experience repeated, scary memories of the crime. You may be constantly fearful. Sleeplessness and depression are common. You may feel guilty that you did not take stronger precautions against a crime. You may feel you no longer have control over your own life. Innocence can be lost forever. Some crime victims and their families begin to question their own religious beliefs. Some begin to view the world as unjust.

As a victim, a criminal may have injured you or you had your property taken. There are many practical concerns in the aftermath of a crime. You may need to fix broken windows, put in an alarm system, buy another car, pay medical or counseling bills, or even pay for a funeral. (See following section on financial assistance).

In much of this section we use the term "victim of crime", as that is the term used under the law. A more empowering term is "survivor of crime". By seeking your rights, by using the

available services, and by becoming an active advocate for yourself and your family, we hope you can come to view yourself as a survivor.

The criminal justice process itself can be very difficult for survivors of crime. There are Advocates who can help you and your family through the process. The State of Rhode Island will press charges against the person who committed the crime. As a victim, you are seen as a witness for the State's case. While you are involved and will have a voice, the criminal prosecution is not under your control.

There are many steps in the criminal justice process (see section [2.C – What Happens When A Case Goes to Court?](#) for more information):

- reporting the crime
- possibly getting a court order for protection (restraining order or no-contact order)
- waiting while an investigation is done
- going to court sometimes numerous times for a trial and appeals
- seeking restitution
- dealing with requests for release on parole.

Sometimes there is no arrest, or the criminal is not convicted. Many victims and their families report confusion, frustration and heartache as they go through this process. In order to make the process easier for you, the State of Rhode Island has developed special services for survivors of crime, and has a **Victims' Bill of Rights**.

2.H.ii Victim's Bill of Rights

In Rhode Island, the rights of victims of crime are established under a law called the Victim's Bill of Rights. This law recognizes the responsibility of the community to victims of crime. Its purpose is that:

- you are treated with dignity, respect and sensitivity at all times in the criminal justice process;
- if possible, you are paid for injuries or loss due to the crime;
- the full impact of the crime on you is brought to the attention of the court.

The Victim's Bill of Rights includes the right to be notified about steps in the process, rights to protection, financial assistance, attendance at court, and having a voice at sentencing and parole hearings. It is important to understand that even though this law protects victims' rights, you cannot assume these rights will be given to you **UNLESS YOU ASK**.

Even in states with strong victim rights laws, only about half of crime victims were notified of plea negotiations or sentencing hearings.

You must ask for your rights.

You must be your own advocate.

You can review your own case file at court.

You do not need an attorney, but you must be persistent

2.H.iii Notification

The law states that crime victims should be notified about important steps in the process of involving the police, courts and parole, Law enforcement officials (police) must:

- Tell you at least every 3 months of the status of the police investigation into the crime, until the perpetrator is caught or the case is closed.
- Tell a family member of a victim who died as a result of a crime.
- Tell you if the accused perpetrator will go to court for a bail hearing
- Tell you if the accused perpetrator will be released on bail or personal recognizance.

Police are very busy, and often forget to notify you. To make sure this does not happen to you, please:

- Get to know the police investigator in charge of your case.
- Call every three months to check the progress of the investigation.
- Tell the investigator you want to be notified of any hearings.
- In some cases, you can contact an Advocate at the police station. Most city stations have an Advocate. However, please note that most *municipalities* do not have advocates at their police station. Also note that the advocates deal only with Domestic Violence, Sexual Assault and Child cases, and not with other types of crimes.

Contact other victim service programs listed at the end of this section.

The court or prosecutor must:

- Give you reasonable notice of all court proceedings you must attend.
- Give you reasonable notice of any rescheduled court proceeding.
- Keep you updated on the case against the accused perpetrator.

If this release comes before a conviction and sentencing, the notification comes from the **Attorney General's Office and Victim Services Unit**. If you have any questions, call the **Victim Witness Assistance Program of the Attorney Generals' Office** at 401-274-4400. If this release comes after sentencing, notification comes from the **Parole Board** and the **Department of Corrections**. They should notify in cases of felony probation, expired sentences, furloughs, escapes, transfers out of state and prisoner death. If the perpetrator is released on Parole, the Parole Board should contact you. If they are released because they have completed their sentence, the Department of Corrections should contact you. If you have any questions, call the **Parole Board Office** at 401-222-1418, or the **DOC Office of Victim Services** at 401-462-5203.

2.H.iv Protection

You may be afraid of the person who committed the crime and therefore want some protection. Crime victims and witnesses to crime have a right to:

- Protection from threats of harm because you cooperate with the police and prosecution
- Information about what protections are available

- A safe waiting area in the court away from the accused person, their family, and friends if you are afraid to meet them at court

If you want a court order of protection (restraining order or no-contact order), please refer to the section on Violence Against Women. This section will tell you how to prepare by developing a safety plan and how to obtain the protective order.

2.H.v Financial Assistance

The State tries to help compensate survivors of crime for the costs of a crime. The state does this by:

- If your personal property is held as evidence, it is to be returned to you when no longer needed.
- If you are a court-ordered witness in a case, you may be able to get a witness fee to help pay you for transportation and the time you spend in court. Ask your lawyer or a Victim Service Advocate for the form you must fill out.
- By law, you are entitled for the State to ask your employer to minimize your loss of pay or benefits resulting from court appearances. Employers do not always do this, but it will not happen if you do not ask.
- You are to be told about financial assistance through the Criminal Injuries Compensation Fund and how to apply (see following section).
- You can ask that **restitution** be required as part of the sentencing of the criminal. Restitution is a payment made by the criminal. Restitution must be asked for before sentencing (by the Prosecutor). A judge must give or deny the restitution at the time of sentencing. It cannot be done later. A judge can and many times will sentence criminal restitution at an amount to be determined. This means that upon release of an inmate, a Special Magistrate will set up an amount and a payment schedule.

You can also file a **civil lawsuit** against a person who committed the crime against you, to recover costs and damages resulting from the crime. You have the right to do this whether the person is convicted of the crime or not. However, the victim only has 3 years from the date of the crime to file a civil lawsuit.

If you are seeking over \$500, you will need to hire a private lawyer in order to file a suit in civil court. If you cannot afford to hire a lawyer, see the resources below.

If you are seeking less than \$500, you can file a claim yourself in Small Claims Court.

A victim can collect:

- Victim Compensation Fund assistance
- from a civil lawsuit and/or
- Criminal Restitution, if the injury and loss is large enough.

2.H.vi Sentencing and Parole

If the criminal who victimized you is convicted in court, you can have a voice about what happens to them. Both a crime victim and a perpetrator have the "**right to due process**". This means you have the right to be seen and heard in court. The court should notify you of sentencing and parole hearings.

As the survivor of a crime, you have certain rights:

- A survivor of crime has the right to speak to the court before the judge sentences the convicted person.
- If a plea agreement is considered, you have the right to speak to the court.
- You have the right to make a signed, written statement to the court about the effect the crime has had on you, your family and your life. Make sure you keep a copy of your statement and any other important information relating to your case in a safe place. This written **victim impact statement** is placed in the convicted person's record and is to be considered in any court action related to this crime. Victim Impact Statements are completed usually before trial or plea begins and goes in the file for judicial review before sentencing.
- With felony cases, if there was a violation of probation or if parole is being considered, the parole board contacts the victim by letter and invites their participation. It is important to make sure the Parole Board has your current address. You should not assume that the Parole Board has the **victim impact statement** that you wrote earlier in their files. You can send the Parole Board a *copy* of your "victim impact statement" and other information you think they should have.
- The convicted person has the right to speak at sentencing, plea agreement and parole hearings.

2.H.vii If You Cannot Speak in Court.

Sometimes, a victim is not able to represent himself or herself in the criminal justice process, as when they are:

- seriously injured in a crime;
- not competent to defend themselves;
- killed;
- a child victim under age 12 at the time of court sentencing.

If so, a member of their immediate family may represent their interests. **Immediate family members** include a spouse and any dependent children of the victim, and persons related by blood, adoption or marriage, including parents, siblings, grandparents, grandchildren, in-laws, stepparents, stepdaughter/son, stepsister/brother, half sister/brother, or step grandparents. For information about whether a same-sex partner can represent a victim, contact an advocacy organization such as the **Gay & Lesbian Advocates & Defenders (G.L.A.D.)**; see resource section). Immediate family members may request to receive the same notifications as the victim would have received. **FAMILY MEMBERS MUST FILE A FORM WITH THE COURT TO SPEAK FOR A VICTIM.** Contact the **Attorney General's Victim Witness Assistance Program** for these forms.

Sometimes, the defense attorney who is representing the criminal may try to contact a victim. **You do not** need to speak to the defense attorney, and it could even harm your case if you do. If this happens, you can refer them to the prosecutor's office.

The file on your case at the court is a public document. You can read it at the **Clerk's Office** at the courthouse. The file cannot be removed from the Clerk's Office. Pages can be copied, though you will need to pay for the copies. You must have a case number to get the file. This number should be on your court documents, or your lawyer or Advocate can get the case number for you.

As a crime victim, you expect that police, prosecutors and the parole system will grant your rights. However, if your rights are violated, it will not change any otherwise lawful conviction, sentence or parole that a criminal might receive.

2I LEGAL ASSISTANCE RESOURCES

For eligible clients:

RI Legal Services, Inc., 56 Pine Street, 4th Floor, Providence, RI 02903, Tel. 401-274-2652, Fax 401-453-0310. TDD: 401-272-5335.

RI Bar Association, 115 Cedar Street, Providence, RI 02903 General Phone Numbers: 401-421-5740. TDD: 401-421-1666.

RI Bar Association Volunteer Lawyer Program, Tel. 401-421-7758

RI Bar Association Lawyer Referral Service, Reduced Fee, Tel. 421-7799

RI Bar Association Elderly Legal Services, Tel. 401-521-5040

Roger Williams University Law School, Family Law and Criminal Law Clinics, 150 Washington Street, Providence, RI 02903, Tel. 401-421-3100.

For all clients:

Gay & Lesbian Advocates & Defenders (GLAD), 294 Washington Street, Suite 740, Boston, MA 02108-4608, Tel. 617-426-1350, Fax 617-426-3594. TTY: 617-426-6156.

Lawyer Referral Service, RI Bar Association, 115 Cedar Street, Providence, RI 02903, Tel. 401-421-7799. TDD: 401-421-1666.

2.I.i **Victim Services: Programs and Resources**

There is a state victim services unit in the **Office of the Attorney General of Rhode Island**, called the **Victim Services Unit**. It can provide the following:

- Inform you about your rights under the RI Constitution and The Victim's Bill of Rights;
- Inform you and the public about services available to crime victims;
- Refer you to general and specialized counseling and support services;
- Assist you in:
 - i. understanding terms, procedures, and events as they arise
 - ii. knowing the status of your case
 - iii. understanding the court process and what is going to happen next
 - iv. referring you to community agencies that can help you with financial, legal, or medical matters
 - v. putting you in touch with organizations offering emotional support or counseling for problems associated with the crime
 - vi. helping you with crime related employer problems
 - vii. assisting with property return
 - viii. providing information about the victim's compensation program, financial assistance for victims of violent crime
 - ix. going to court. A person from the Attorney General may assist you in going to court in homicide cases only.

In felony cases, an Advocate from the **Victim Services Unit** or **Domestic Violence/Sexual Assault Unit of the RI Attorney General's Office** may be able to come with you to court during the trial. This program is free for felony crime victims. Interpreters are available. For misdemeanor cases and property crimes, other Advocacy programs can help.

There are several other types of Advocates. Advocates can be based in many settings:

- Crime Victim Advocates based nonprofit agencies and Department of Corrections
- Domestic Violence Advocates based in shelters, courts and hospitals
- Citizen Advocates in police stations
- Advocates and Case Managers in social service agencies
- CASA - Court-appointed special advocate for child

Advocates are listed by category in the Resource section below. However, most Advocates will try to help you no matter what type of crime you have experienced.

2.I.ii **Counseling**

Crime victims have special needs in counseling. Your counselor should have experience in counseling victims of the specific kind of crime that you experienced - in domestic violence, sexual assault and so forth. You can ask the counselor about their experience in doing this work. Family members of someone who has been murdered should seek a counselor with expertise in homicide bereavement counseling. Often, these families feel rage, helplessness and have a long period of grief very different from families experiencing a more "normal" death.

The Rhode Island Victims' Advocacy & Support Center provides referrals to appropriate bereavement support programs and has a resource listing of clinical therapists with expertise in different kinds of victimization, specializing in homicide. They are located at 875 Oaklawn Avenue, Cranston, RI 02980. Phone number: 401-943-9266. Fax number: 401-944-8065.

2.I.iii Crime Victim Service Resources

VICTIMS OF CRIME HELPLINE (24-hour), Tel. 1-800-494-9100.

Coalition Against Domestic Violence, Tel. 401-467-9940 (Please call RI Relay for TTY 1-800-745-5555)

Sexual Assault and Trauma Resource Center of RI, Tel. 401-421-4100. (Please call RI Relay for TTY 1-800-745-5555)

Victim Witness Assistance Program, RI Attorney General, 150 Main Street, Providence, RI 02903, Tel. 401-274-4400, TDD 401-453-0410, Fax 401-751-2860.

Office of Victim Services, Department of Corrections, Tel. 401-462-5203. (Please call RI Relay for TTY 1-800-745-5555)

Rhode Island Victims' Advocacy & Support Center, 875 Oaklawn Avenue, Cranston, RI 02980. Phone number: 401-943-9266., Fax number: 401-944-8065. (Please call RI Relay for TTY 1-800-745-5555)

Justice Assistance, 943 Park Avenue, Cranston, RI 02910, Tel. 401-781-7000. (Please call RI Relay for TTY 1-800-745-5555)

Gay & Lesbian Advocates & Defenders (GLAD), 294 Washington Street, Suite 740, Boston, MA 02108-4608, Tel. 617-426-1350, Fax 617-426-3594 TTY: 671-426-6156.

Stephanie Roper Foundation (national organization for supporting victims of crime), 14750 Main Street 1B, Upper Marlboro, Maryland 20772-3055, Toll Free 1-877-VICTIM-1, email srcf@digizen.net (Please call RI Relay for TTY 1-800-745-5555)

2.I.iv Law Enforcement Advocates

Law Enforcement Advocates are based in police stations in seven communities across Rhode Island. They are trained to assist domestic violence, sexual assault, stalking and child victims. They can also provide information and referrals for people who are not victims but who have questions or need access to resources for these problems.

Currently, law enforcement advocates serve the following communities:

Warwick

Cranston

East Bay: Barrington, Bristol, Warren

Northern Rhode Island: Woonsocket, Smithfield, North Smithfield, Burrillville

To contact one of these law enforcement advocates, please call your local police switchboard.

2.I.v Social Service & Nonprofit Agencies With Advocates/Case Managers

Homeless Advocacy:

Crossroads, 24-hr help line, 401-521-7233 or 401-521-SAFE. TTD/Voice: 401-351-6500.

YMCA Tower, Case Management, 162 Broad Street, Providence, RI 029003, 401-456-0100
(Please call RI Relay for TTY 1-800-745-5555)

Homeless Team, Providence Center, 530 North Main Street, Providence, RI 02904, 401-274-7111. TDD: 401-274-2599.

Rhode Island Victims' Advocacy & Support Center - RIVASC, 875 Oaklawn Avenue, Cranston, RI 02980. Phone number: 401-943-9266., Fax number: 401-944-8065. (Please call RI Relay for TTY 1-800-745-5555)

Mental Health Advocate, RI State - 401-462-2003 or toll-free, 1-800-346-2282. TTY/Voice 401-462-3313.

International Institute, 421 Elmwood Avenue, Providence, RI 02907, 401-461-5940. (Please call RI Relay for TTY 1-800-745-5555)

Hispanic Social Services Association, 23 Spring Garden Street, Warwick, RI 02888, 401-421-2332. (Please call RI Relay Spanish TTY number: 1-800-855-2884)

Urban League of RI, 401-351-5000 (Please call RI Relay for TTY 1-800-745-5555)

Sexual Assault - Sexual Assault & Trauma Resource Center of RI, 300 Richmond Street, Suite 205, Providence, RI 02905, 401-421-4100. (Please call RI Relay for TTY 1-800-745-5555)

Advocacy for Children - CASA, RI Family Court, Garrity Judicial Building, One Dorrance Plaza, Providence, RI 02903, Tel. 401-277-6863. TTY: 401-458-5275

Gay & Lesbian Civil Rights - RI Alliance, P.O. Box 5758, Providence, RI 02903, Tel. 401-861-1269. (Please call RI Relay for TTY 1-800-745-5555)

Providence Gay/Lesbian Liaison, City Hall, Providence, RI 02903, Tel. 401-421-7740 ext. 221, TDD 401-751-0203.

RI Project AIDS Hotline, toll free 1-800-726-3010. TTY/Voice: 401-222-2506
Community Center Advocates

Federal Hill House Association - 9 Courtland Street, Providence, RI 02909, Tel. 401-421-4722.

Capitol Cities Community Center (formerly called the Smith Hill Center) - 110 Ruggles Street, Providence, RI 02908, Tel. 401-455-3880. (Please call RI Relay for TTY 1-800-745-5555)

2.I.vi Domestic Violence Resources

Resources for domestic violence are described in section [12.A.ii – Protection and Safety](#). These include:

RI Coalition Against Domestic Violence Help Line, 1-800-494-8100. (Please call RI Relay for TTY 1-800-745-5555)

Shelter-based Advocacy Programs serving different parts of Rhode Island, 1-800-494-8100. (Please call RI Relay for TTY 1-800-745-5555)

Hospital emergency room-based Advocates, 1-800-494-8100 (Please call RI Relay for TTY 1-800-745-5555)

Courthouse-based Advocates and Temporary Restraining Order Office, 458-3372, (Please call RI Relay for TTY 1-800-745-5555)

Supreme Court Domestic Violence Training and Monitoring Unit, 782-4154; (Please call RI Relay for TTY 1-800-745-5555)

Courthouse Restraining Order Office located in Providence, 277-6936. TTY 401-458-5275.

Law Enforcement's Advocates - See previous page for listing of 6 police stations with this service.

RI Attorney General's Domestic Violence/Sexual Assault Unit, 274-4400; TTY/Voice 401-453-0410.

Sexual Assault & Trauma Resource Center of Rhode Island (in conjunction with the Rhode Island Department of Corrections) - Tonya Maselli, Rhode Island Department of Corrections, Dix Building, Wilma Schesler Lane, Cranston, RI 02920. Tel. 401-462-5203. (Please call RI Relay for TTY 1-800-745-5555)

Advocacy program of RI Legal Services, Inc. for domestic violence, 1-800-662-5034; TDD 401-272-5335.

Elder abuse program of the RI Department of Elderly Affairs, 1-800-322-2880. TTY 402-222-2880.

2.I.vii Criminal Injuries Compensation

Rhode Island's **Crime Victim Compensation Program** can help you pay for medical, dental and hospital bills, mental health counseling bills, loss of earnings from employment, funeral and burial expenses and possibly other expenses. Property losses are not covered by this fund. This program can provide up to \$25,000 to help you with expenses. It is run by the **General Treasurer's Office of the State of Rhode Island**.

For assistance, you must meet several guidelines. These requirements insure that the program helps only victims of violent crime, not the person who committed a violent crime. You can get financial assistance if:

- you are an innocent victim who suffered physical or emotional injury in a violent crime;
- you are a dependent or immediate family member of a murder victim;
- the crime took place in Rhode Island;
- the crime was reported to police within ten (10) days;
- you apply for compensation within three years of the crime. However, if you were under age 18 at the time of the crime, this period is extended.
- you cooperate with reasonable requests of the police in their investigation of the crime and in the prosecution of the crime;
- you have not contributed to the crime;
- you are not imprisoned;
- you have not been convicted of a violent crime.

You must fill out an application form to be eligible for these funds (see below). You do not need to hire a lawyer to apply or to receive payment. The application form is only two pages and simple to complete. You can use a mailing address other than your home on the application form for safety reasons (such as a shelter PO Box number or a friend's address) Contact:

Crime Victim Compensation Program, Office of the General Treasurer, 40 Fountain Street, Providence, RI, 02903, 401-222-2287, internet <http://www.treasury.ri.gov/vcfund.htm>.

2.I.viii Restitution

All victims have the right to request restitution for property that has been damaged, repaired or replaced, and for any uncovered medical bills. The Superior Court can award restitution to you. The court will collect the money from the convicted perpetrator and will pay you.

Restitution is monitored to insure the perpetrator pays what was agreed in court:

- through the **Probation Department** if someone is sentenced to probation.
- through the Justice Assistance Program if someone's case is filed.

You can contact these agencies by calling the offices below, and ask who the perpetrator's **Probation Counselor** is or the case's **Victim Assistant**.

2.I.ix Resources

Probation Department, Main Office, One Dorrance Plaza, Providence, RI 02903, 401-458-3020.

Justice Assistance Program, 943 Park Avenue, Cranston, RI 02910, 401-781-7000.
Superior Court, 401-222-6043.

2.I.x Disability

If you are a disabled person and you are being neglected, abused or harassed, the law provides for increased penalties for those who victimize you. If your caregiver neglects or abuses you and s/he is found guilty in court, then s/he can face a fine of not more than \$3000 dollars or jail time of not more than 3 years or both. If your caregiver is found guilty of harassing you, s/he can be fined not more than \$500 dollars or receive jail time of not more than 1 year or both. These penalties are heavier than those of an abuser of person who is not disabled, and are intended to help protect disabled persons from harm.

Governor's Commission on Disabilities at 401-222-3731, TTY 401-222-2833.

Rhode Island Disability Law Center at 800-733-5332.

Rhode Island Commission on Human Rights at 401-222-2661. TDD 401-222-2614. Call to file a discrimination or harassment complaint. See [section 3.A – What Is Discrimination?](#) for more information.

2.I.xi Child Victims

Children are at special risk for crime because they cannot protect themselves. Crimes against children may be perpetrated by outsiders, or by persons within their own families, especially crimes of neglect, physical and sexual abuse. Because children are so vulnerable, the State of Rhode Island has a **Children's Bill of Rights** to help insure that every child is treated with respect and dignity, protected and provided with adequate services.

Special protections are given under the **Victim's Rights Law** to children under age 15 who are victims of felony crimes. It is important to remember that all victims, including children, have the right to have a **Victim Advocate** appointed to them and have the right to write a Victim's Impact Statement. If the victim is a child the **Victim's Impact Statement** can be written and signed by the parent or legal guardian. If it is an older child, they can write one with the help of a social worker. If the child victim is in the care of DCYF then a DCYF social worker can write one with the child. **Making a Victim's Impact Statement is very important.**

- All investigations and court proceedings in which children are involved must be explained to them in language understandable to a child their age;
- Children should be present as short a time as possible;
- Children are allowed to testify at all court proceedings in a manner that is least traumatic to them, consistent with the rights of the defendant;
- Children are to be given information about and referrals to appropriate social service programs that can assist the children and their families to cope with the effects of the crime, the investigation and the court proceeding.

A relative, guardian or other person who will help children feel safe can accompany them at all court or investigative proceedings, unless the court or investigator believes that this person's presence would hinder the investigation or prosecution of the case. This could be because a parent may be so anxious that investigators fear they will make the child anxious or

distracted. Or it could be that investigators fear the child may not speak freely in the presence of the parent. In a few cases, investigators may be concerned that a parent is the perpetrator of the crime.

When children, aged 14 or under are the victims of sexual assault, Rhode Island law ensures that these children have the right to a speedy trial in order to reduce the time they must bear the stress of the court proceedings. Also, when there is a request for a continuance or a delay in the trial, the judge must consider any adverse effects on the well-being of the children.

A dependent minor child whose parent is murdered may be eligible to receive **Supplemental Security Income (SSI)** payments through the **Social Security Office**, to compensate for the loss of support. People who receive SSI get a check on the 1st of each month and also automatically receive **Medical Assistance (Medicaid)**. See sections [10.B – Social Security](#) and [10.H – Medical Assistance](#) for more information.

Services for children who are victims of crime are provided through:

Superior Court, for criminal actions against the perpetrators of child abuse and other felony crimes against children.

Family Court, involving dependent, neglected, abused, wayward and delinquent children under the age of 18. The Family Court also deals with adoption, paternity (establishing the identity of the father), child support and child marriage cases.

CASA (Court Appointed Special Advocate for child), RI Family Court, Garrity Judicial Building, One Dorrance Plaza, Providence, RI 02903, Tel. 401-277-6863.

DCYF, the Department of Children, Youth and Families provides a wide variety of services for children and families. General information, Tel. 401-457-4500. Legal office, Tel. 401-528-3570.

Office of the Child Advocate - protects the civil, legal and special interests of children involved in DCYF, to insure these children are given adequate protection and services, Tel. 401-222-6650.

Sexual Assault - Sexual Assault & Trauma Resource Center, 300 Richmond Street, Suite 205, Providence, RI 02905, 401-421-4100. Statewide resource, includes child sexual assault-related programs.

RI Relay:

General Number: 1-800-745-5555 TTY/TDD

Spanish Relay: 1-800-855-2884 TTY/TD

CHAPTER 3 DISCRIMINATION

Glossary:

Hostile Workplace: A workplace where sexual actions and words make it difficult for you to do your job.

Charges: An official statement about what happened signed under oath.

3A WHAT IS DISCRIMINATION?

Discrimination is when you are treated differently than other people because you are a member of a certain group of people (because of your sex, race, sexual orientation, religion, mental or physical disability, ethnicity, color, marital status, age, etc.).

3.A.i What are the laws about discrimination?

Rhode Island has laws to protect people from being discriminated against. These laws are different for different kinds of discrimination. The following is a description of different kinds of discrimination and the laws about them. For information about what to do if you think you have been discriminated against, see section [3.I.i – How to File a Free Charge of Discrimination](#).

3B EMPLOYMENT DISCRIMINATION

Under both state and federal law, an employer cannot discriminate on the basis of sex with respect to:

- Hiring
- Pay, salary or benefits
- Discipline (for example, it is discrimination if an employer suspends women for being late but doesn't suspend men for being late)
- Promotion
- Other terms and conditions of employment
- Termination (firing)

State law also prohibits employment discrimination on the basis of:

- race,
- color,
- religion,
- ancestral origin,
- age (if you're over 40),
- sexual orientation,
- gender identity or expression
- disability.

Federal law also protects you from employment discrimination in all of these areas except sexual orientation and gender identity or expression.

3C PREGNANCY

Women who are pregnant or who have just given birth have different kinds of protection under two different sets of laws, civil rights laws and family and medical leave laws.

3.C.i Civil Rights Laws:

Under federal and state civil rights laws, an employer must treat pregnant women and women affected by pregnancy, childbirth, or a related medical condition, in the same way as any other person who is similar in their ability or inability to work.

This means that an employer:

- cannot refuse to hire a woman because she is pregnant,
- cannot fire a woman because she is pregnant, and
- must treat pregnant women and women recovering from childbirth in the same way as it treats other temporarily disabled workers in matters such as light duty, medical notes, sick time and return to work.

Civil rights laws require that policies be applied equally to pregnant women however the laws do not require that the employer have a particular policy.

3.C.ii Family and Medical Leave Acts (FMLA)

These acts do not protect against discrimination, but require that employers extend leave time in certain circumstances. The Rhode Island Parental and Family Medical Leave law says that all employers with more than 50 employees must allow their employees up to 13 weeks (in a row). The employer must hold your position for you on your return or provide a comparable position.

If you meet certain requirements (such as having been employed for at least one year), your employer must give 13 weeks of leave in a two year period under state law or 12 weeks of leave in a one year period under federal law for childbirth, adoption of a child, care of a very sick family member or if you are very sick. Your employer does not have to pay you while you're out, although, you may be able to use paid parental leave/ family leave/ sick time or vacation time for all or part of the leave if you have earned it. The employer must also continue your health insurance benefits while you are out of work. Under state law, you may have to give the employer a deposit to cover the cost of health insurance in case you do not return to work.

For more information about the **FMLA**, see section [7.A.ii – Parental and Family Leave](#).

3D SEXUAL HARASSMENT

3.D.i What is sexual harassment?

- If a male supervisor says to a female employee: "You have to sleep with me to get the promotion", that is sexual harassment.
- If a male employee recently told his supervisor to stop grabbing him and after that, the supervisor has denied the employee a pay raise without a good reason, that is sexual harassment. (The laws protect men and women from sexual harassment.)
- If a female worker is having trouble concentrating on work because of a male coworker's sexual conduct (such as having nude pictures up all over the workplace, telling sexual stories all the time and/or making many sexual remarks), and the female worker has told her supervisors that she wants the conduct to stop and the supervisors don't take appropriate action, that is sexual harassment.

Under the law sexual harassment is:

- Unwelcome sexual advances
- requests for sexual favors
- other verbal and physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

That means that when someone makes a sexual pass at you, asks you for a sexual favor, talks to you or touches you in a sexual way that is not comfortable to you, you may have been sexually harassed. Please call the **Rhode Island Commission on Human Rights** or talk to your employer about their sexual harassment policy for more information.

3.D.ii Can the employer be held responsible for sexual harassment by your co-worker?

An employer can be responsible for the sexual harassment of a co-worker if management knows or should have known of the conduct and management fails to take immediate and appropriate corrective action.

3.D.iii Is an employer always responsible if a person is sexually harassed by a supervisor?

The company is responsible if your boss or supervisor takes a **tangible employment action** (such as changes in pay, salary or benefits, denies you a promotion or fires you) because you refuse sexual advances or in order to continue sexual harassment.

If the supervisor creates a hostile environment but does not take a tangible employment action, the employer is not responsible only if the employer has a genuine program to deal with sexual harassment, and the victim of harassment didn't use it. If the victim used the employer's sexual harassment program and the employer did not take affirmative action to stop the harassment, the employer is liable for sexual harassment. If the employer does not have a sexual harassment program, it is liable for the hostile environment created by the supervisor.

Ask your **Personnel Department** for a copy of your organization's policy statement on sexual harassment. Usually this policy will tell you what to do if you are being harassed.

3.D.iv Do all Rhode Island employers have to have a sexual harassment policy?

Rhode Island law says that employers with fifty or more employees must have a written statement saying that sexual harassment is not allowed. However, you are protected from sex discrimination and harassment even if your employer is small. To file a charge under state law, your employer must have four or more employees. For information about filing charges, see section [3.I.i – How to File a Free Charge of Discrimination](#).

3E HOUSING DISCRIMINATION

Both state and federal law prohibit sex discrimination in housing with respect to:

- Advertising
- Rental
- Sale
- Terms and conditions of rental
- Race
- Color
- Sex
- Religion
- Familial Status
- Ancestral or National Origin, or
- Disability.

State laws, in addition, prohibit housing discrimination on the basis of:

- age (if you're over 18)
- marital status (for example: married, Divorce, Single, or separated)
- race,
- sexual orientation
- gender identity or expression
- status as a victim of domestic abuse.

The state **Fair Housing Practices Act** prohibits discrimination on the basis of marital status. This means you cannot be refused housing because you are single, divorced, or widowed. You cannot be denied housing because of the presence of minor children under state or federal law. (There are some types of housing, such as federal housing for the elderly, which are allowed to exclude families with children.) For more information about housing, see [Chapter 9 – Housing and Property](#).

3F PUBLIC ACCOMMODATIONS DISCRIMINATION

Public accommodations include public transportation, bars, restaurants, public health clinics, stores, and other public places and businesses. Under Rhode Island law, public accommodations must treat men and women equally. State law also prohibits discrimination on the basis of race, color, religion, ancestral origin, disability, age (over 18), sexual orientation or gender identity or expression.

3G CREDIT DISCRIMINATION

State law prohibits credit discrimination on the basis of:

- race,
- color,
- sex,
- religion,
- age (if you're over 18),
- ancestral origin,
- gender identity of expression,
- disability, or
- sexual orientation.

It is also illegal for creditors to discriminate on the basis of marital or familial status. For more information about credit, see section [1.A – Credit Information](#).

3H EDUCATION DISCRIMINATION

There are many laws to protect you from education discrimination. For more information see section [5.B.i – Discrimination and Harassment](#).

3I **THE RHODE ISLAND COMMISSION FOR HUMAN RIGHTS**

The **Human Rights Commission** is a state agency that looks into charges of discrimination in employment, housing, public accommodations, credit and certain additional areas relating to disability discrimination.

3.I.i **How to file a free charge of discrimination**

- Call the Commission at 401-222-2661 [TDD 401-222-2664] between 8:30AM and 4:00PM Monday through Friday.
- An **Information Officer** will speak to you to find out about your problem. If your situation fits the laws the Commission enforces, the Information Officer will send you a questionnaire to fill out.
- After you have received the form and filled it out, send it back. If you need help, the intake officer will help you.
- If your charge is accepted, you will be assigned an investigator.
- The investigator will gather facts, records and testimony for all people involved. This may take some time.

If the **Preliminary Investigating Commissioner** finds **probable cause** (a reasonable person would find it probable) that discrimination took place, there will either be a hearing at the Commission or a trial in court to make a final decision. If the Preliminary Investigating Commissioner does not find **probable cause**, the Commission will dismiss your case. You still have the right to get an outside lawyer and go to court (for state cases this must be done within two years after the filing date, for federal cases this must be done by the date specified in your **right to sue letter** from the **EEOC**.)

If the final decision is that discrimination occurred, you may:

- be rehired in the next available job,
- receive back pay and benefits,
- receive attorney's fees, or
- receive money for your "pain and suffering."

The Commission has a contract with the federal **Equal Employment Opportunity Commission (EEOC)** so that charges filed with the Commission are also filed with **EEOC** if they would meet federal jurisdiction (if the charges meet the requirements of a federal case). Generally, the Commission investigates and makes a finding and the **EEOC** reviews the Commission results.

3J RESOURCES

3.J.i General Resources

Rhode Island Commission for Human Rights

80 Westminster Street, 3rd Floor
Providence, RI 02903
(401) 222-2661
TDD (401) 222-2664

Gay and Lesbian Advocates and Defenders (GLAD)

30 Winter Street, Suite 800
Boston, MA 02108
(617)426-1350

3.J.i.a. Employment Discrimination

Equal Employment Opportunity Commission (EEOC)

(617) 565-3200 or 1-800-669-4000
TTY: 617-565-3204 or 1-800-669-6820
Boston Area Office
J.F.K. Federal Building
475 Government Center
Boston, MA 02203

For charges of discrimination occurring in Rhode Island, the Rhode Island Commission for Human Rights can co-file a charge with the EEOC.

**Rhode Island Department of Labor and Training
Division of Labor Standards**

1151 Pontiac Avenue
Cranston, RI 02920
401-462-8547
TTD: 401-462-8006

**U.S. Department of Labor
Wage and Hour Division**

380 Westminster Mall
Room 546
Providence, RI 02903
(401) 528-4431

Housing Discrimination

**U.S. Department Of Housing And Urban Development (HUD)
Fair Housing Enforcement Center**

10 Causeway Street

Room 321
Boston, MA 02202
(617) 994-8200

For charges of discrimination occurring in Rhode Island, the Rhode Island Commission for Human Rights can co-file a charge with HUD.

3.J.ii Disabilities

Governor's Commission on Disabilities

John O. Pastore Center
41 Cherry Dale Court
Cranston, RI 02920-3049
401-462-0100
TTY: 401-462-0101
(e-mail) disabilities@gcd.state.ri.us
(website) <http://www.gcd.state.ri.us>

Rhode Island Disability Law Center

349 Eddy Street
Providence, RI 02903
401.831-3150
401.831-5335 TDD

3.J.iii Resource for Communicating

RI Relay

Telecommunications Relay Services (TRS) allows individuals who are hard-of-hearing, deaf and speech disabled to communicate using a text telephone known as **TTY** or **Telecommunication Device for the Deaf (TDD)**. A person who is hearing impaired types the information on the device and the relay operator will then read it in spoken words to the other person. The device enables the relay operator to communicate with both the hearing impaired and the hearing person. **The State of RI has a Relay Center** to facilitate this process. The Relay Center has numerous 1-800 phone lines dedicated to connecting individuals who need this type of service. The RI Relay services are in two languages: English and Spanish.

The Rhode Island Relay Services can be reached by dialing:

1-800-745-5555 TTY/TDD
1-800-745-6575 Voice
1-800-745-1570 ASCII (*same as TDD but a faster device*)

Spanish Relay can be reached by dialing:

1-866-355-9214

For further information about the RI Relay Services call:

AT&T Relay Customer Service Center at:
1-800-682-8786 TTY/TDD
1-800-682-8706
www.att.com/relay

CHAPTER 4 DOMESTIC RELATIONS

4A MARRIAGE

Rhode Island recognizes two types of marriage, ceremonial and common law marriage. The state of Rhode Island does not recognize marriages between people of the same sex.

4.A.i Ceremonial Marriage

In order to get ceremonially married in the State of Rhode Island, there are several steps you need to take:

- If you are under 18 years old or either of you is under the control of a parent or guardian, you must get permission from your parent or guardian in order to obtain the marriage license. If either of you is a minor and not under the control of a parent or guardian then permission must be obtained from the director of public welfare in the town where you reside. The minimum age to get married is 16 for women and 18 for men.
- Get a marriage license from the city or town where you live, or the city or town where your fiancé lives if you are not a resident of Rhode Island, or the city or town where the marriage will be performed if neither of you are residents. The license will cost \$14.00 and is valid for a period of three months.
- You must have the marriage performed by a person authorized by Rhode Island law. This includes clergy, elders, rabbis, judges, magistrates, mayors, governors, justices of the peace, clerks and other religious figures. The individual performing the ceremony must sign the license and return it within 72 hours to the town or city in which the marriage was performed.
- Two witnesses must be present during the ceremony.

4.A.ii Common law marriage

People often think that if you live together for a set number of years you are **common law married**. This is not true. There is no set time you must live together to be considered husband and wife. In order for the court to recognize a common law marriage, you must consider yourselves married and **hold yourselves out** as husband and wife to others. Holding yourselves out means, for example, signing leases as husband and wife, filing joint tax returns, placing your partner on your health insurance as a spouse, and introducing him to others as your husband.

4.A.iii Who can't I marry?

In Rhode Island, you cannot marry a parent, grandparent, child, grandchild, aunt, uncle, niece, nephew, sister, brother, stepparent, stepchild, stepsister, stepbrother, or your in-laws. There are exceptions for marriages to certain relatives authorized by Judaism.

If either of you are married, you cannot remarry until that marriage has ended by death or divorce. A divorce is not final until a judge signs the divorce judgment. In Rhode Island this is usually about three months after the divorce hearing. See section [4.C - Divorce](#) for more information.

4B SEPARATION

4.B.i What is a Legal Separation?

In Rhode Island, a legal separation is called a **Divorce from Bed and Board**. A divorce from bed and board is a separation from future cohabitation until the parties are reconciled. This may be granted for the same reasons that a traditional divorce would be granted. The waiting period for this type of separation is 30 days. This type of separation does not end the marriage; it only ends certain marital rights and obligations. However, you *are* still responsible for marital debts and financial obligations. See section [1.A.ii – Credit and Divorce](#) for more information. A legal separation is similar to a divorce (you may even be able to receive spousal support), however you may not remarry.

Divorces from bed and board are not very common because you must file the same type of paper work as in a divorce and go through similar legal proceedings. Most people simply elect to end their marriages at that point.

4.B.ii Separation For Unmarried Couples

Rhode Island law does not address separation for unmarried opposite sex and same sex couples. Divorce law does not cover the property of unmarried couples.

If an unmarried couple separates, a suit may be brought to divide property. However, this action would not be in the Family Court. It would be filed in Small Claims Court, District Court or Superior Court depending upon the nature and value of the property. Usually, the court will apply **principles of partnership law** (as if the couple had been in a business together) or **equitable consideration**. Since there are not laws that cover separations of unmarried couples, it is a good idea to try other kinds of dispute resolution such as mediation or arbitration rather than relying on legal action.

If children have been born to or adopted by both unmarried partners, custody, visitation and child support issues are litigated in Family Court. If both partners are legal parents of the children, the laws are applied no differently than if the parents had been married. *If someone is not on the child's birth certificate and has not legally adopted the child, s/he has no rights to custody or visitation.* The child's biological parent can gain rights by filing an **affidavit of paternity** with the Family Court clerk, or by filing a **paternity suit** (see section [4.D.vii – Paternity](#) for more information). If either partner is not the biological parent of the child, **adoption** is necessary to make him/her a legal parent.

4C DIVORCE

There are two kinds of divorce, uncontested and contested.

4.C.i Uncontested Divorce

An **uncontested divorce** (sometimes called a **nominal divorce**) occurs when you and your spouse both decide to get a divorce and are in agreement on how to resolve all material matters in connection with getting a divorce. If your spouse is absent or has no interest in the proceedings and does not respond after being served with the divorce papers, your divorce is automatically considered uncontested.

4.C.ii Contested Divorce

If you and your spouse do not agree about any important issues, your divorce is called a **contested divorce**. You may disagree about division of your property, support or some aspect relative to the children. You, or your spouse, can even contest the other obtaining a divorce. However, doing that will only delay a divorce, not prevent it. One spouse cannot stop a divorce. If you file for divorce, the courts will assume there has been a breakdown of the marriage. This means that either or both spouses are unable or unwilling to live together as husband and wife, and there is no chance of reconciliation. The only ground you need to assert in the written complaint is **irreconcilable differences**. When you testify, you will have to tell the judge more specifically what your differences are.

4.C.iii Residency Requirement

In order to obtain a divorce in Rhode Island, you or your spouse must have been a domiciled inhabitant of this state and actually have resided here for at least one year before you file for divorce. You are a “**domiciled inhabitant**” of Rhode Island if you have chosen this state as your legal and permanent home and have the intention of returning to Rhode Island whenever you are absent from it.

4.C.iv Do I Need a Lawyer to File For Divorce?

If you are considering filing for divorce or your spouse has started a divorce against you, you will need to decide whether to represent yourself, go to a mediator, or hire a lawyer. It is difficult to get through the paperwork of the divorce on your own. It is also particularly important to consider hiring a lawyer if you and your spouse have strong disagreements about the children’s custody, division of property and debts, etc. There are several options for low cost attorneys. See section [4.H.i – Legal Resources](#) for more information.

Mediation, which is discussed in more detail below, can be an excellent tool if you and your spouse are operating on a level playing field. However, if one of you is afraid of the other or has far greater knowledge of your assets than the other, mediation is probably not appropriate. Agreements reached under those circumstances are likely not to be fair and

equitable. Even if you go through mediation, you will probably want an attorney to review your agreement and present it to the court along with the other paper work necessary for a divorce.

4.C.v How do I file for divorce?

The basic steps that you are required to follow in the process of obtaining a divorce are discussed below. You can get the necessary forms and documents from the Family Court in your county. However, because there is a lot of complicated paperwork, you will probably need to hire an attorney. (See Legal Resources, below.)

4.C.v.a. Beginning the Process:

You begin the process of getting a divorce by filing a completed **complaint for divorce** and several other forms with the clerk of the Family Court in your county. You can file the complaint in person or by mail. There is a fee of approximately \$100.00 for filing the complaint. When you file for divorce, you will be given a date approximately 77 days later for a court hearing. That date will be placed on the summons issued to your spouse. A second, earlier date will be assigned if a motion for temporary orders or emergency relief is filed with the divorce.

4.C.v.b. Service of Process:

When you file for divorce, the court will notify your spouse. Your spouse must be personally served. This is usually done by a sheriff or a constable. If your spouse cannot be found and has been missing for at least six months, the court may authorize substituted service. Most often this is by publication in the newspaper which costs approximately \$500.00.

4.C.v.c. Contested Divorces:

A divorce cannot be finalized until all of the contested areas are decided by a judge or an agreement is reached between you and your spouse. In a contested divorce, the court makes the final decision about items that you and your spouse cannot agree on. Both of you must follow the court's decision. It is generally better for you and your children if you and your spouse can work out your differences without being forced into an arrangement by the court.

4.C.v.d. Uncontested Divorce Hearing:

You come to court on the day assigned when your complaint was filed for an uncontested, final divorce trial. This is referred to as a **nominal divorce hearing**. At the hearing, you will testify regarding the breakdown of your marriage and the arrangements you have made relative to child support, custody, visitation, medical insurance and the disposition of your property. You will also testify to your age and health and whether you are giving up alimony. A judge or a magistrate will hear all the evidence, and review the documents given to him/her. If everything is done correctly, the judge will then make findings and pronounce a decision granting the divorce that contains the agreements you have made. If your case is not ready to be heard on the nominal date, it will automatically be assigned a case management date to review your progress in settling the case.

4.C.v.e. Entry of Judgment:

If the judge grants the divorce at the nominal hearing, an **interlocutory** (or **temporary**) **judgment** called a **Decision Pending Entry of Final Decree** must be prepared and entered within 30 days. In most cases a final judgment of divorce will not be signed until 3 months after the court's initial decision. This is known as the **waiting period**. No final judgment will be entered if you or your spouse request a rehearing within the waiting period. If your divorce is granted on the grounds that you have lived separate and apart from your spouse for more than 3 years, the waiting period is only 20 days.

4.C.vi Mediation

Divorce mediation is a process that is voluntary and non-adversarial. Mediation offers a couple the opportunity to work with a neutral person to reach a reasonable agreement. The mediation can incorporate both the terms of your property division and a parenting plan including custody and support issues. The benefits of mediation include lower costs (since you spend less time with your attorneys) and less emotional stress.

Mediation can be an excellent tool if you and your spouse are operating on a level playing field. However it is not appropriate in some circumstances. If there has been abuse of one spouse by the other, or abuse of the children, it is unlikely that a fair agreement can be reached through mediation. The abused spouse is too likely to be intimidated by the other. Likewise, mediation is generally not workable if only one spouse has knowledge of the couple's assets or has far greater control over them.

4.C.vii Spousal Support: Alimony

Alimony is support that one spouse may be ordered to pay the other. It is generally rehabilitative in nature and awarded only for a fixed period of time. It may be waived if a spouse is self-supporting, and does not wish to be supported by the other. If you and your spouse cannot agree on whether one should receive alimony, or the amount of alimony before the divorce hearing, the judge will look at several factors in making the final decision. The court will generally not award alimony unless one person needs it and the other has the ability to pay it.

Among the factors that may be considered by the court in awarding alimony are as follows:

- The length of the marriage
- The conduct of you and your spouse during the marriage
- Your contribution during the marriage to increasing the value of your property and bank accounts
- Your contribution and services as a homemaker
- The health and age of you and your spouse
- The amount and sources of income of each of you
- The opportunity of each of you for future acquisition of capital assets and income
- Your contribution to the education, business or earning power of the other person
- The need of the custodial parent to occupy or own the marital home for the best interests of the children of the marriage

- Either of your attempts to sell or give away marital property without your spouse's knowledge.

4.C.viii Division of Property

The court generally will divide the marital assets of the parties in equal parts, fifty-fifty. Factors that may cause a less than equal division are adultery by one spouse, domestic abuse, and the wasting of marital assets.

4.C.viii.a. Marital Assets

Marital assets are property acquired during the marriage though the earnings of either party. Property that either spouse owned prior to the marriage, inheritances and settlements for personal injury are not marital assets. However, a spouse may be entitled to credit for the increase in value of property belonging to one party. For example if the husband owned the home before the marriage, it will remain his home. However, the wife may be entitled to compensation for the increase in the home's value during the marriage if marital funds were used to pay the mortgage or make other improvements.

4.C.ix Debts

Debts acquired during the marriage are generally the responsibility of both parties regardless of in whose name they are made. See section [1.A.ii – Credit and Divorce](#) for more information.

4.C.x Changing Your Name

There are a number of reasons why you may want to change your name. Anyone may change his/her name for any reason as long as the reason for the name change is not fraudulent. There are two ways to legally change your name—as part of a divorce case and through the probate court.

4.C.x.a. How can I change my name through a divorce?

One of the ways that a court may recognize your requested name change is in a divorce. If you are interested in changing your name because you are divorcing, you may ask to resume the use of your maiden name in the divorce complaint. If you testify at the divorce hearing that you wish to resume the use of your maiden name, your maiden name will be restored upon the entry of final judgment.

4.C.x.b. How do I change my name if I am not going through a divorce?

Another way to change your name is by petitioning the Probate Court. Regardless of how you change your name, you must notify the registry of motor vehicles of the change within 10 days of changing your name if you have made an application for or obtained the registration of a vehicle or an operator's license.

If you decide to change your name, do not forget to notify the social security office (to obtain a new social security card), credit card services, banks, current schools in which you are enrolled, current employers, and any other people with whom you have official business

4D CUSTODY AND VISITATION

The laws about custody and visitation apply whether or not the parents are (or ever were) married. Custody may be part of a divorce petition or a separate lawsuit. If it is a separate lawsuit, it is called a **miscellaneous action**.

4.D.i When can a judge in Rhode Island make a decision about custody and visitation?

Rhode Island courts can make custody decisions if a child has lived in Rhode Island for at least 6 months, or moved out of Rhode Island less than 6 months ago. If a child has *not* been in Rhode Island for 6 months, the court may still make custody decisions if:

- the child or at least one of the people involved has a **profound connection** with Rhode Island
- there is substantial evidence about the child's welfare in Rhode Island
- the child is physically present in the state and has been abandoned or is the victim of threats, abuse, neglect, or otherwise in danger
- no other state would have jurisdiction over the matter, or another state decides that Rhode Island is a more appropriate forum for the proceedings; or
- it is in the best interest of the child for the court to assume jurisdiction.

4.D.ii How will the judge decide who should get custody?

If parents cannot agree on custody and visitation, the court will decide where a child will live and what arrangements will be made for visitation.

There are 8 factors that the court considers:

- The wishes of the parent(s)
- The preference of the child
- The interaction of the child with parents and siblings
- The child's adjustment to home, school and community
- The mental and physical health of all individuals involved
- The stability of the child's home
- The "moral fitness" of the parents
- The willingness and ability of each parent to support a close and continuous relationship between the child and the other parent.

4.D.iii If the other parent does not pay his/her child support, do I have to let my child visit the parent?

Child support is the child's money and is a separate issue from visitation. One parent's refusal to pay child support does not give the other parent the right to interfere with visitation, and interference in visitation does not mean the other parent can stop paying support. Sometimes the court orders a parent to pay support even though it denies him/her the right to visit the child.

If the other parent does not pay his/her support, you should take him/her back to court for contempt. The Bureau of Family Support for a flat fee of \$25.00 can assist you, regardless of your income. The judge can jail or fine a parent who does not obey a court's order. If you are going to take the other parent to court, it is important that you have **clean hands**. This means that you have followed the order as it applies to you. (For instance, you have allowed the child to visit as ordered.)

4.D.iv Will the judge refer my case to the Family Court Services before hearing my case?

If the parents cannot agree on custody and visitation, the court may ask a **Family Court Investigative Unit** to do a home study. If this happens a **Family Court Investigator** will visit each parent's home and speak with adults involved with the child (like babysitters or neighbors) and any other children. The purpose of this investigative report is to help the court decide what custody and visitation is best for the child.

4.D.v Can the Judge Require the Other Parents to Obtain Counseling as a Condition of Visitation?

In certain limited cases, the court can make counseling a condition of visitation. Usually this can happen only if the other parent has engaged in serious domestic violence toward you or abused your child.

4.D.vi Child Support

When a custody or divorce case is heard, or after a finding of paternity by a Family Court judge, the court will determine how much each parent will pay in child support. If the child is receiving public assistance, the **Bureau of Family Support** usually begins these actions. If the child is not receiving public assistance, the request for child support is usually made as a part of a divorce or custody case.

There are guidelines to help the court determine the amount of child support. The purpose of the guidelines is to make sure parents can maintain a minimum standard of living and support their children. Things like the parents' income, payments for the support of other children, day care costs, and payments being made for the children's benefit such as those made for life insurance and medical insurance are considered.

In split custody situations, there are many patterns of child support that may develop. There are rules set out in the child support guidelines. The rules attempt to balance the obligation between the parent who earns more and the parent who earns less.

Under the **Rhode Island Child Support Guidelines**, it is presumed that the custodial parent will be the one claiming the child as an exemption for income tax purposes. If the custodial parent agrees to allow the other parent to make the claim, or the court orders that the exemption will go to the non-custodial parent, the child support award should be increased to make up for any tax loss.

4.D.vii **Paternity**

Sometimes there are questions about who a child's father is, and a court is needed to determine **paternity**. When this happens, the child's mother, father, or a government agency can start a case in Family Court. Both the mother and the father have the right to request that the case be held privately, which means only people involved in the case will be allowed in the courtroom. *Rhode Island state law says that any man who had sexual intercourse with the child's mother around the time of conception **must** cooperate with the courts if a paternity suit comes up.*

Rhode Island makes several assumptions about who a child's **natural father** is, including:

- the man the mother was married to 300 days before the child was born,
- the man the mother was married to when the child was born,
- the man the mother married soon after the child's birth,
- the man paying child support according to a written voluntary promise or by court order.
- the man named as the child's father on the birth certificate (only with the man's consent).

The husband's name is normally placed on a child's birth certificate if a couple is married. If the child is not the husband's biological child, the mother may request at the hospital that the father's name be left blank on the birth certificate. The Bureau of Vital Statistics will not place the father's name on the birth certificate in this situation unless there is a court order determining the man's paternity.

When a child is born to an unmarried woman, the father's name will be placed on the birth certificate if he and the mother both sign a document called an **acknowledge of paternity**. If the mother does not chose to place the father's name on the birth certificate, he may sign the acknowledgement and file an action in the family court asking that he be named the child's father. The Bureau of Child Support Enforcement may also file a court action to establish the father's paternity and seek support for the child.

4.D.viii **Child Snatching and Jurisdiction**

Whether parents are married or not, each parent has an equal right to possession of his or her children until a court determines custody or placement. That means that until there is a

court order, a parent is not doing anything illegal if they take their children away from the other parent, even if the children have lived with that parent all of their lives. For this reason, you should not give your children to the other parent until there is a custody order because it can be extremely expensive and time consuming to get children back from a visit when they are not returned as scheduled.

Once there is a court order, there are both state and federal laws that govern child snatching between parents. A parent can be arrested for violating a custody order. **The Parental Kidnapping Protection Act** is a federal law, which makes kidnapping by parents illegal.

A non-parent has no right to keep a child from a parent without a court order. This includes biological fathers who have not established their paternity, grandparents and other relatives as well as non-relatives. A non-parent who takes or keeps a child from a parent without a court order may be charged with kidnapping or child snatching under state or federal statutes.

4.D.ix Grandparental Rights

A court can grant grandparents **formal reasonable visitation rights** if the parent of the child has died or if the parent of the child refuses them any access to the child for at least 90 days. To request **visitation rights**, the grandparent must file a **miscellaneous petition** with the court. The parent(s) must be served with this petition.

Under Rhode Island law, what the court considers is:

- the best interest of the child
- whether the grandparent is a fit and proper person to visit with the child
- whether the grandparent has requested visitation within 90 days of filing the petition.

Recently the United States Supreme Court has held that parents do not have to show that it is unreasonable for them to deny visitation. Instead, the grandparent must prove that it is harmful to the child for them *not* to be able to visit.

Grandparents have no right to pursue custody in the Family Court, except in cases where the **Department of Children Youth and Families (DCYF)** have filed petitions. A Grandparent who has physical possession of a grandchild without DCYF involvement may obtain a **guardianship** from Probate Court only if both parents are served with the notice of the request and neither objects.

4.D.x Teens/Minors Rights During Custody Disputes

4.D.x.a. Does a teenager have a say in who has custody of him/her?

The court makes custody decisions based on the **best interests of the child**. The older a child is, the more weight will be placed on his/her wishes. Some judges prefer never to hear testimony of a child and others may strongly rely on it. However, most judges do respect the wishes of teenagers relative to custody, placement and visitation.

4.D.x.b. What kind of visitation schedule can I expect?

The best visitation schedule is one that the mother and father work out themselves without the aid of a court. The age, sex, and desires of the child and the non-custodial parent's current situation are all factors that the courts will consider in determining visitation. The most common arrangement is for the non-custodial parent to have alternate weekends and one evening during the week. However, many families have other arrangements. The Family Court's jurisdiction over custody and visitation of minor children of divorced parents continues until each child reaches 18 or is sooner emancipated. The choice of a child in his/her teen years will carry more weight but the ability of that particular parent to care for the child will always be considered.

4.D.x.c. Who gets custody of my children if they have been abused or neglected?

An abused or neglected child is a child whose physical or mental health or welfare is harmed or threatened with harm. This includes any physical or mental injury, sexual abuse, failure to supply the child with adequate food, clothing, shelter or medical care, and failure to provide the child with a minimum degree of care or supervision. If the court finds that you have abused or neglected your child or you have failed to protect him/her from abuse or neglect, the court may order the child to be supervised in your home. The court may also place your child with relatives or in foster care until the court finds that s/he may be returned safely to you or the other parent. Once again, the best interests of the child are considered. Taking children from you and placing them with **DCYF** is not part of divorce or custody suits. There must be separate court proceedings. See Section [4.D.xi.a– DCYF: Protective Services](#) for more information.

4.D.x.d. Will anyone represent my children in court?

A Family Court judge may decide to appoint an attorney or guardian to represent the interest of a minor regarding his/her support, custody, and visitation. If the **Department of Children, Youth and Families** files a petition against the parents, the court will appoint a lawyer to represent the child in court, known as a **CASA attorney**. CASA stands for **Court Appointed Special Advocate**. See [Guardian ad Litem](#) for more information.

4.D.x.e. Teens Rights: Emancipation

Emancipation is the legal process by which a child is released from the control and authority of his/her parent. Rhode Island does not have an emancipation statute. However, our courts recognize emancipation. A determination is made based on the facts and circumstances of each case. Rhode Island's General Law defines the period of childhood as extending to the age of 18. In a divorce situation, the Supreme Court has ruled that child support stops when a minor reaches the age of 18 or is emancipated. Emancipated in this context means that the child is able to support himself or herself without help from a parent. If a child wishes to be emancipated by the court before reaching the age of 18, s/he may petition the court to declare that s/he is self-supporting and has the maturity to be independent from parental control. Minors who marry are generally considered emancipated.

4.D.xi Department of Children, Youth and Families (DCYF): Children Under the Care of the State

Parents have the primary responsibility for caring for their own children. The state will assume responsibility for children when parents cannot or will not do so. The state agency responsible for this is **DCYF**.

DCYF provides services to children and their families. They try to prevent removal of children from their homes. However, sometimes they do place children in foster care and provide special services to children who must be removed from their families.

DCYF works with the Family Court, other public and private agencies and the federal government to prevent problems with children and their families. It establishes professional standards, provides training, and coordinates services to children. It also coordinates children's behavioral health through community mental health providers and is responsible for juvenile correctional services including the **RI Training School, Detention Center and Juvenile Probation**. Additional services provided by the department include prevention, out-reach, placement, care and treatment, and after-care programs.

4.D.xi.a. Protective Services

RI General Law states that if you know of or suspect that any child has been abused or neglected, you must report this information to DCYF within 24 hours. *All calls are confidential.* The **Child Abuse Hotline** is staffed 24 hours a day, seven days a week. The number is 1-800-RI-CHILD (1-800-742-4453). A trained **Child Investigator** answers the calls and will ask for specific information about the child and family. The identity of a reporter cannot be revealed during an investigation. If the neglect is found to be serious a court action may be filed and police may be called.

When a child is taken into DCYF custody for protection, the department must file a petition with Family Court stating the specific reason the child was removed from his/her home. It must prove its allegations by clear and convincing evidence. DCYF must make reasonable efforts to reunify the family unless the child has been severely treated or abandoned. If the child is removed from the home, attempts are made to place the child with other family members when possible. The court will also appoint a special advocate for the child called a **Guardian Ad Litem**. The job of the guardian is to advocate for what is best for the child, even if it is not what the child wants. The court will also appoint lawyers for the parents if they cannot afford counsel.

4.D.xi.b. Admission on a Voluntary Basis

DCYF may admit children into care on a voluntary basis, if the family requests it and DCYF believes the child can benefit from any of the services offered in foster care or residential facilities. Upon admission, these children are considered to be within the care of the department. Upon request of the parent or guardian, the child's voluntary placement will be revoked (withdrawn), meaning that the child must return home, unless the department has obtained an order of temporary custody from the Family Court.

4.D.xi.c. Juvenile Corrections

The Rhode Island Training School for Youths is the place where youths are sent in order to receive help and to be held accountable for their actions. Males and females live in separate areas. They are held there until a further hearing or they are sentenced to be there for a specific period of time. The Training School provides an array of services including medical, clinical, educational, physical, recreational, and social.

Juvenile Probation counselors will look at ALL the reasons why the youth is in trouble with the law. The counselors will then make recommendations to the Court based on their findings. Through these recommendations (also known as dispositions), counselors work to ensure:

- the youth is held accountable for his/her actions, and;
- the community is safe from further harm (by enforcing compliance of all Court Orders and Conditions of Probation).

DCYF notifies the parents and the schools in order to be able to carry out these responsibilities.

4.D.xi.d. Children's Behavioral Health

This Unit of DCYF is responsible for helping emotionally and behaviorally disturbed children and youth. It also provides programs aimed at maintaining healthy family functioning. Many of these services are delivered in community-based settings and are accessed primarily through community mental health centers.

4.D.xi.e. Children's Bill of Rights

All children in the care of DCYF have certain rights. Each child must receive humane and dignified treatment at all times. Each child in a secure facility is permitted to communicate with anyone, any group, or any agency that pursues the child's treatment goals, as well as with attorneys, guardians, and advocates. Any special restriction placed on the child must be done in accordance with the law and the child's treatment goals. **The Children's Bill of Rights** must be posted in all residential facilities where children in DCYF custody are placed. Every child placed in DCYF care is entitled to a free education.

4.D.xi.f. Children Under State Care-Admission to Public Schools

DCYF must ensure that all children in the care of the state are allowed immediate admission to a public school in the city or town in which they are placed for residence. All inmates in the Training School, regardless of age, must participate in a school, vocational, GED program or other training program while at the Training School.

4.D.xi.g. Assault On A Child In DCYF Care

DCYF employees are expected to take good care of the children in their care. If they do not, they may be subject to criminal charges.

4.D.xi.h. The Early Intervention Program

Early Intervention is a program for families with children younger than 3 years old. The program provides in-home support for families with concerns about their children's growth and learning; complete testing of children's development; links to resources in the community; and services for child growth and development.

Anyone, with the consent of the family, can refer a child to Early Intervention. Once a child is referred to the program, the family is offered an **evaluation**. If the evaluation shows that the child is eligible for Early Intervention, the program and the family will design a plan for services to address the child's developmental needs. Together they identify and coordinate the resources and services for the child and family.

Early Intervention serves all eligible families, regardless of income or health insurance coverage. Services are provided in the family's native language, or in a way that fits the family's needs (such as sign language).

4.D.xi.h.1 Procedural Safeguards

If your family and your child are receiving Early Intervention services, you have certain rights that are protected by state and federal laws.

These rights, known as **procedural safeguards**, are important because they:

- ensure that services are provided to you in a voluntary and confidential way, without discrimination;
- let you, as the child's primary caregiver, make decisions about the services provided to your child;
- give you the opportunity to tell the Early Intervention team about your concerns and priorities;
- provide procedures for resolving disagreements and complaints between you and the Early Intervention team.

Before your child is evaluated for the program, and before any services are provided to your child you must be notified of the evaluation or services in writing, in your native language, or in a way you can understand. You must also give consent in writing before the first evaluation is done and before services begin. You can withdraw your consent for services at any time.

You have a right to receive Early Intervention services in **natural environments**. "Natural environments are places where you, your family and your child spend time or where there are other children who are not in the Early Intervention Program (such as childcare programs).

For more information about Early Intervention and your rights, call the **Family Health Information Line** at 1-800-942-7434. Calls are answered in English and Spanish, Monday through Friday from 8:30 a.m. to 5:00 p.m.

4E ADOPTION

4.E.i Persons Who May Adopt Others

If you live in Rhode Island, you may petition the Family Court to adopt any person younger than yourself and under 18 years old. If you are married, you must have the permission of your spouse prior to being granted the adoption petition. The Family Court will determine if the adoption will be in the best interests of the child.

If you live outside of Rhode Island, you may also petition the Family Court for adoption if and when the child is in the care or custody of a Rhode Island governmental or child placement agency.

4.E.ii Persons Who May Be Adopted

Persons under the age of 18 are under the jurisdiction of the Family Court. Petitions for adoptions of persons over 18 are heard by the Probate Court in the city or town where the party petitioning for the adoption lives.

4.E.iii Consent Required

The birth parents of the child must agree or **consent** in writing to the adoption of a minor. If neither parent is alive, the child's guardian or next of kin may give consent. If there is no next of kin, the court may appoint a person to act as **next friend** of the child. If the child is 14 years old or older, the child must consent to the adoption.

When the person attempting to have the adoption petition granted is the birth parent and his/her spouse, and the child is residing with the petitioner, the court must inquire whether the other parent consents. A non-custodial birth parent's rights can be terminated if the court finds clear and convincing evidence of abuse or neglect. See section [4.E.vii - Termination of Parental Rights](#) for more information.

When requested by the birth parents, any governmental or state child placement agency may petition the Family Court to terminate parental rights and consent to adoption. The petition can be granted as soon as 15 days after the child's birth. If the court finds that the parents freely consented to the termination of their rights, and that the adoption is in the best interests of the child, the parents' consent to the adoption is not necessary. The placement agency may be the sole consenting authority and guardian of the child.

In Rhode Island, parental rights may only be terminated by DCYF. Individual people or private agencies cannot terminate parental rights. No birth parent under the age of 18 may give consent to an adoption petition or termination of rights unless his/her parent or guardian consents. If the minor birth parent's own parents cannot be found, a governmental placement agency must swear to this fact, and the petition may be granted if the court finds it is in the best interest of the child.

If the child's birth parents cannot be found, the petitioner must swear to that fact and set forth the last contacts with the parents. The court will review the facts and make a determination whether the termination of parental rights and the petition of adoption should be issued without notice to the parents.

4.E.iv Religious Considerations

When possible, the child will be placed in an adoptive home of a religious faith agreeable to the birth parents. If the birth parents do not choose a religion, the governmental placement agency may make placement in the best interest of the child.

4.E.v Investigation and Trial Period

The Family Court must notify the **Department of Children, Youth, and Families (DCYF)** when a petition for adoption is filed. DCYF must verify the facts in the petition and make an investigation into the proposed adoptive home. DCYF must report its findings within 60 days. The investigation includes a criminal records check of the potential adoptive parents. The court may waive portions of the investigation when the child is the natural child of one of the petitioners.

The child must reside for 6 months in the placement home before a petition of adoption is issued unless good cause is shown that the home and the child are well suited to each other.

4.E.vi Notice to Parents

If a parent does not consent in writing to the petition, the court will order a copy of the petition served upon the parent if his/her whereabouts are known. If the parents are not found in the state, the court may publish notice of the petition.

If a parent is confined in a mental hospital, or similar setting, notice shall be served personally or to the attending physician. If deemed necessary, the court may appoint a [guardian ad litem](#) for the institutionalized parent.

4.E.vii Termination of Parental Rights

The court can terminate a parent's rights to a child:

- If a parent has willfully neglected to provide proper care and maintenance for at least one year when s/he is financially able to do so;
- When the parent is unfit by conduct seriously detrimental to the child such as conditions of emotional illness or institutionalization, cruel or abusive behavior, chronic substance abuse; **and**
- The parent is unwilling or unable to respond to rehabilitative services.

A private party has no right in Rhode Island to seek termination of a parent's rights. The only exception to this is in situations where a step-parent is seeking to adopt. The Family Court has established a voluntary mediation program prior to termination of parental rights.

4.E.viii Decree of Adoption and Change of Name

When the court determines that the adoptive parent(s) are able to bring up the child and to nurture and educate the child properly, it will order a decree that the adoption be granted. If a name change is requested, the court may also decree the change of name.

Challenges to Decrees of Adoption must be made within 180 days after the order is entered.

4.E.ix Denial of Petition and Appeal

If the Family Court finds that the petition is not in the best interest of the child, the court will order the child returned to the person or agency legally entitled to custody of the child. The Family Court determines who has custody of the child during the appeal and may make decisions based on the best interests of the child.

4F CHANGING COURT ORDERS

A court order granting custody or placement of a child to one person can be changed to grant custody to another person if there is a significant change in one of the people's situation. Example of these changes include a large change in income level, a change in living arrangements that leaves children without supervision or threatens their welfare, serious illness of the parent with custody, or the arrest or conviction of one parent. You will need to prove to the court that there's a strong reason to change the previous decision.

These are the steps for changing the order:

- File a motion in the family court containing the reasons for the change and a statement of your financial situation.
- The court will inform your former spouse, the current guardian of the child, or the child's other parent about your motion.
- The judge will make a decision based on the evidence presented by each party. Usually a judge will not change child support payments unless the support would be raised or lowered by at least 10 percent.

Please note that child support arrears (money that is past due to the custodial parent) are owed and may **not** be changed or erased, regardless of a change in the financial circumstance of the parent owing the money.

Sometimes people decide on their own to change visitation or support. However, if you do not get a copy of the changes in writing, a court may not recognize the change. If you and the other party agree about the changes, you can easily file an **agreed motion to modify**, and have an order signed by a judge.

4G CHILDCARE

Rhode Island has laws about childcare and childcare facilities to protect children and families. In order to be licensed as the childcare provider, the person submitting the application must meet certain requirements including a background check and a criminal records check. Some people have neighbors or family members care for their children. These people are often not licensed by the state. It is a good idea to check with the **Department of Human Services** (401-464-3361 and TDD: 401-464-3363) to see whether your childcare provider is licensed.

4.G.i The Background Check

A person who seeks to operate a childcare facility must tell DCYF about his/her employment history. All people who wish to work for the facility must complete the history. Failure to file these statements is grounds to revoke (or cancel) the license.

4.G.ii The “CANTS” check

CANTS stands for **Child Abuse and Neglect Tracking System**. An application will be denied if there have been complaints of abuse or neglect against the applicant.

4.G.iii The Criminal Record

Any person who seeks employment at a childcare facility must apply to the **Bureau of Criminal Identification** of the state police or the local police department for a nationwide criminal records check. This check includes taking fingerprints to determine if there is any “**disqualifying information**” on the person’s criminal record--that is a record of anything that could endanger the health or welfare of a child.

If disqualifying information appears on the applicant’s record, the police department must make a written report to the director of the childcare facility. The report does not disclose the specific disqualifying information.

If no disqualifying information has been found then a written report will be sent to the director, the applicant, and the employer of the childcare facility explaining that the applicant’s record contains no disqualifying information. The employer may request a letter stating whether or not disqualifying information has been discovered regarding the applicant within 18 months of the application for the criminal records check.

4.G.iv What kind of inspections are made on childcare facilities?

Childcare facilities must be licensed in order to operate in Rhode Island. The facilities are monitored by the **Department of Human Services**. The facilities are subject to routine inspections to ensure that they are complying with state law. The facilities must meet all fire, health and safety standards. All employees must have passed all applicable background

checks and be licensed to work with children. All licenses must be publicly displayed in the childcare facility. Licenses are valid for 1 year except for family day care homes. These licenses are valid for 2 years. Failure to comply with the license requirements will result in a temporary 6-month suspension or revocation of the license entirely. Once the license is revoked, the facility must wait 3 years before applying for a new license.

If a childcare provider falsifies any report regarding his/her license, or maintains a facility without a license s/he can be subject to various prison terms and or fines.

4.G.v Free and low cost childcare.

For information about free and low cost childcare options, contact the Department of Human Services **at 401-462-1000. TTY/Voice: 401-462-1846.**

4H RESOURCES FOR DOMESTIC LAW

RI Relay:

General Number: 1-800-745-5555 TTY/TDD

Spanish Relay 1-800-855-2884 TTY/TDD

If you are involved in any probate, civil, or criminal matters in Rhode Island, your case may be assigned to the following court locations:

Rhode Island Family Court Locations:

Providence County

Garrahy Judicial Complex

1 Dorrance Plaza

Providence, RI 02903

401-222-3340

TTY: 401-458-5275

Juvenile Clerk: 401-458-3290

Domestic Clerk: 401-458-3200

Reciprocal (Child Support) Clerk: 401-458-3100

Licht Complex

250 Benefit St.

Providence, RI 02903

Superior Court: 401-222-3250

Supreme Court: 401-222-3737

Kent County

Leighton Judicial Complex

222 Quaker Lane

Warwick, RI 02886

401-822-1600

401-222-6645

TTY/Voice: 401-822-1607

Washington County

McGrath Judicial Complex

4800 Tower Hill Road

Wakefield, RI 02879

401-782-4111

401-782-4121

TTY/Voice: 401-782-4139

Newport County

Murray Judicial Complex

45 Washington Square

Newport, RI 02840

401-841-8340

TTY/Voice: 401-841-8331

Eisenhower Square
Newport, RI 02840
401-841-8330

4.H.i Legal Resources

If you are a witness or victim in a criminal proceeding, the state's attorney's office may contact you from one of the following offices:

Rhode Island Department of Attorney General

Providence Office

150 South Main St.
Providence, RI 02903
401-274-4400
TTY/Voice: 401-421-5268.

Kent County

222 Quaker Lane
Warwick, RI 02893
401-274-4400

Washington County

4800 Tower Hill Rd.
Wakefield, RI 02879
401-782-4150

Newport County

Eisenhower Square
Newport, RI 02840
401-841-8310

If you need **legal representation in a criminal proceeding** you may be eligible for legal assistance through the Public Defender's office.

Public Defender's Offices

Providence Offices

100 North Main St.
Providence, RI 02903
401-222-3492

1 Dorrance Plaza
Providence, RI 02903
401-458-3050

Kent County

222 Quaker Lane

Warwick, RI 02893
401-822-2195

Washington County

4800 Tower Hill Rd.
Wakefield, RI 02879
401-782-4180

Newport County

Eisenhower Square
Newport, RI 02840
401-841-8320

Legal Referrals, Advice or References

Rhode Island Legal Services

56 Pine St.
4th Floor
Providence, RI 02903
401-274-2652
Toll-Free: 1-800-662-5034
TDD: 401-272-5335

Lawyer Referral Service

115 Cedar St.
Providence, RI 02903
401-421-7799
800-339-7751
TDD: 401-421-1666

Rhode Island Bar Association

115 Cedar St.
Providence, RI 02903
401-421-5740
TDD: 401-421-1666

Volunteer Lawyer Program

115 Cedar St.
Providence, RI 02903
401-421-7758
800-339-7758
TDD: 401-421-1666

Louis Feinstein Family Law Clinic

150 Washington St.
Providence, RI 02903
401-276-4800

4.H.ii Other Relevant Agencies and Services

If you are in need of some services for you and your children, such as child abuse prevention, mental health care, to name a few, call DCYF and ask about the services they offer for families:

DCYF (Dept. Children, Youth, and Family)

101 Friendship Street
Providence, RI 02903
1-401-528-3548
TTY/Voice Toll Free 1-800-742-4453
Child Abuse Hotline: 1-800-742-4453
Adoption: 1-401-254-7000
Child Protective: 1-401-528-3593
Child, Mental Health: 1-401-528-3794
Family Services: 1-401-528-3720
Daycare Licensing and Regulation: 1-401-528-3623
Foster Care Info: 401-528-3791
Juvenile Correctional Services: 462-7241

Everyone is entitled to child support for his or her minor children, if you want help in trying to collect child support benefits for your child, call the Child Support Enforcement Unit:

Child Support Enforcement Unit

c/o RI Dept. of Administration
Division of Taxation
77 Dorrance St., 3rd floor
Providence, RI 02903
1-401-222-2847
1-800-638-5437

Child Advocate Office

272 West Exchange St.
Providence, RI 02903
1-401-222-6650

If you have a question, problem, complaint, or suggestion regarding your children's education, or your own, then call the Department of Education to help address your situation:

Dept. of Education

255 Westminster St.
Providence, RI 02903
1-401-222-4600
TTY Relay Operator: 1-800-745-6575

Missing Children's Hotline

1-800-286-8626

As residents of Rhode Island, your government officials should be available to you through the following office, or they may direct you to the proper official or agency:

Governor's Office

State Capitol
82 Smith St.
Providence, RI
1-401-222-2080
TTY/Voice: 401-222-3700

If you have questions or concerns regarding the health conditions of your home, your child's school, your workplace or other health questions, such as required inoculations for school age children, call or write:

Rhode Island Health Dept.

3 Capital Hill
Providence, RI 02908
1-401-222-2231
TTY/Voice: 401-222-2506

If you feel you may have been discriminated against on the basis of race, sex, age, or other factors call:

Rhode Island Human Rights Commission

10 Abbott Park Place
Providence, RI 02903
1-401-222-2661
TTY/Voice: 401-222-2664

If you are in need of food stamps, state financial assistance, free or reduced cost childcare, or medical assistance call the following number, and they will assist you in your application:

Human Services, Info and Referral

1-401-462-1000

If you are unemployed and looking for a job, feel unqualified to enter the workforce, have a recent injury or other situation preventing you from resuming your present employment, or you need retraining for another. call:

RI Dept. of Labor and Training

101 Friendship St.
Providence, RI 02903
1-401-457-1800
1-800-675-9233

If you have comments and questions on this handbook, or other resources provided by the state of Rhode Island for women, contact:

Rhode Island Commission on Women

One Capitol Hill, 2nd Floor
Providence, RI 02908
1-401-222-6105

The Rhode Island Relay Services: 1-800-745-5555 TTY/TDD
Spanish Relay 1-800-855-2884 TTY/TDD

CHAPTER 5 EDUCATION

5A PRIMARY & SECONDARY SCHOOL

Glossary:

Residency: The place where the child or parent lives.

5.A.i Residency For School Purposes

Public schools are places of safety and stability for many children living under difficult circumstances. Getting the child into school and keeping the child coming each day is most important. The school residency laws of Rhode Island are written in a way to help children stay in school. There are laws about where the child lives and where they attend school:

A student moves during the school year: The student is allowed to finish the semester in the school he or she was attending or has the right to enroll in the school in his or her new town of residence.

A student moves and becomes homeless: The student has the right to remain enrolled in the school s/he attended prior to becoming homeless.

A student is a senior or is about to enter the senior year: The student is allowed to finish the senior year in the original town of residence.

A child is living with a parent: The child has a right to go to school in the town where the parent is living.

A child who is not living with the parent but is living on his or her own with friends or family members: The child goes to school in the town where the child is living unless the child moved to the new town specifically to go to school in the new town as opposed to another reason like needing to live in a friend or relative's home due to family or health problems.

A child living in a foster home or group home: The child has a right to attend school in the community where the foster home or group home is located.

For example: If a mother is ill and therefore the child is living with a grandmother, the child has a right to go to school in the town where the grandmother is living. On the other hand, if the child moved in with the grandmother simply because the student liked the school system or wanted to play sports there, this would not be a sufficient reason to allow the child to enroll in the school system.

The Department of Education makes decisions about residency disputes (that is if there is a problem or disagreement). Call the Legal Counsel in the Commissioner of Education's Office at 401-222-4600 ext. 2507 (TTY Relay Operator 1-800-745-6575) if you have questions.

5.A.ii School Records

Parents have the right to see their student's records and to get a copy of these records. Both parents, even if separated or divorced, have a right to see school records regardless of custody determinations unless a Family Court Order prohibits this.

5.A.iii Special Education

If a child has special needs, call the local **Director of Special Education** in the child's school system. Complaints relating to special education may be filed with the **Rhode Island Department of Education's Office of Special Needs** (401-222-4600, ext. 2314) (TTY/Relay Operator: 1-800-745-6575). **Due Process** procedures can also be explained ("due process" means that the process should be fair in that you have adequate notice of hearings and an opportunity to be heard). Sometimes the **Department of Education** can provide a mediator for problems. **The Rhode Island Disability Law Center** may also be contacted (401-831-3150 or TDD: 401-831-5335.)

5.A.iv Education Rights of Homeless Students

For questions about the rights of homeless students, call the Office for Integrated Social Services, Rhode Island Department of Education, 401-222-2620.ext. 2620 (TTY/Relay Operator: 1-800-745-6575). Such students are expected to attend school in the town where the foster parents live or where the group home is located.

5.A.v Child Opportunity Zone Family Centers

Many schools are developing services to help families. Some schools sponsor "**Child Opportunity Zones**" (**COZ**). Some schools have **Family Centers**. The purpose of COZ programs is to provide a friendly, welcoming place in or near a school where parents and other family members can go to receive information, support, services or referrals. A COZ may also include a Family Center.

A **Family Center** connects families with a wide range of help and informal supports in their community. There are also social workers or guidance counselors available within each school who can provide help. Call your local school district to find out if a COZ has been established there. A list of COZ Family Center Coordinators is following.

Rhode Island COZ Family Center Coordinators

[* Sites incorporating Rhode Island Starting Points Activities]

Bristol-Warren

Myra Webster
Main Street School
689 Main Street
Warren, RI 02885
Phone: 245-2461
FAX: 247-3743
Email: websterm@bw.k12.ri.us

Central Falls

Jackie Parra
Central Falls School District
Outreach Center
325 Cowden Street
Central Falls, RI 02863
Phone: 727-6177 x206
FAX: 727-6184
Email: parra423@aol.com

Cranston

Maureen Greaves
Gladstone Street School
50 Gladstone Street
Cranston, RI 02920
Phone: 270-8078
FAX: 270-8542
Email: mgreaves8@aol.com

Middletown

Katie Jones
Forest Avenue School
315 Forest Avenue
Middletown, RI 02842
Phone: 849-9434
FAX : 846-4709
Email: kcwjones@cox.net

Newport

Christine Arouth
Sullivan School
Dexter Street
Newport, RI 02840
Phone: 845-8579 ext. 23
FAX: 845-0591
Email: carouth@ebcap.org

North Kingstown

Donna Thompson
Davisville Elementary School
50 East Court
N. Kingstown, RI 02852
Phone: 541-6340 or 268-6435
FAX: 541-6350
Email: ride2126@ride.ri.net

Pawtucket

Mary Parella
Cunningham School
40 Baldwin Street
Pawtucket, RI 02860
Phone: 729-6293
FAX: 721-2137
Email: parellam@psdri.net

Providence

Amelia Allard
Dorcas Place
220 Elmwood Avenue
Providence, RI 02907
Phone: 273-8866 ext. 155
Fax: 348-0286
Email: aallard@dorcasplace.org

Westerly

Sally Mitchell or Cheryl Watson
Westerly High School
23 Ward Avenue
Westerly, RI 02891
Phone: 596-6856
FAX: 348-0286
Email: sal12258@hotmail.com
caawatson@msn.com

Woonsocket

Terry Curtin
Connecting for Children & Families
28 First Avenue
Woonsocket, RI 02895
Phone: 766-3384
FAX: 762-2324
Email: tcurtainccf@aol.com

5B HIGHER EDUCATION

5.B.i Discrimination and Harassment

The mission of the **Rhode Island Board of Governors of Higher Education** is to promote an excellent, efficient, affordable system of higher education from the community college through the graduate and professional school levels. Access to higher education should be free of discrimination on the basis of race, sex, religion, age, color, creed, national origin, disability or sexual orientation as specified by state and federal laws. Harassment on the basis of any of the above is considered discrimination.

Title IX (Education Amendment of 1972) is a federal law that prohibits discrimination on the basis of sex. This law applies to any institution that receives federal funds.

The major areas that are covered under Title IX are:

- Hiring
- Educational Programs
- Sexual Harassment
- Recruitment
- Admissions “no person shall be denied admission or be subject to discrimination in admission on the basis of sex in determining whether a person satisfies any policy or criterion for admission”
- Pregnancy

Discrimination as defined in Title IX is any action that unlawfully or unjustly results in unequal treatment of persons or groups based on race, color, gender, national origin, religion or age.

Sexual Harassment is defined as any form of unwanted sexual advances. These can be in many forms including: physical contact, gestures, jokes, pictures, comments, questionable compliments, verbal requests for sexual favors, attempted rape or assault. For further information, a useful Internet website is [www.uri.edu/affirmative action](http://www.uri.edu/affirmative_action).

There are several federal mandates prohibiting sexual harassment and discrimination in addition to Title IX, including federal **Civil Rights Acts of 1964 and 1991** and a **Presidential Executive Order**.

In Rhode Island law, the Fair Employment Practices Act, the Rhode Island Civil Rights Act of 1990, and an Executive Order prohibit sexual harassment and discrimination.

5.B.ii Resources

If you believe you need help with a discrimination or harassment situation, contact:

Rhode Island Commission for Human Rights

180 Westminster Street, 3rd Floor
Providence, RI 02903
Tel: 401-222-2661
TTY: 401-222-2664
Fax: 401-222-2616

Office of Civil Rights, Region I

US Department of Education
J.W. McCormack Post Office and Court Building
Room 222, 01-0061
Boston, MA 02109
617-223-9662

GLAD (Gay & Lesbian Advocates and Defenders)

294 Washington Street, Suite 740
Boston, MA 02108-4608
617-426-1350
TTY: 617-426-6156

If you would like further information about discrimination and harassment issues, contact:

Affirmative Action Office

University of Rhode Island
Carlotti Administration Building
Kingston, RI 02881
401-872-2442
TDD: 401-874-5120
www.uri.edu/affirmative_action

Women's Centers at colleges and universities:

Brown University, Sarah Doyle Center

185 Meeting Street
Providence, RI 02906
401-863-2189

Bryant University, Women's Center

1150 Douglas Pike
Smithfield, RI 02917
401-232-6926

Johnson & Wales University, Women's Concern Center

8 Abbott Park Place, Plantations Building, 1st Floor

Providence, RI 02903
401-598-1138

Rhode Island College, Women's Center

Donovan Building, Room 9
600 Mt. Pleasant Avenue
Providence, RI 02908
401-456-8474

Roger Williams University, Women's Center

Old Ferry Road
Bristol, RI 02809
401-254-3294

Salve Regina University, Advisory Women's Group/Voices

100 Ochre Point Avenue
Newport, RI 02840
401-847-6650

University of Rhode Island, Women's Center

c/o Office of Student Life, Memorial Union
Kingston, RI 02991
401-874-2097

The Rhode Island Relay Services 1-800-745-5555 TTY/TDD
Spanish Relay: 1-800-855-2884 TTY/TDD

5.B.iii Students with Disabilities

The **Americans with Disabilities Act (ADA)** and the **Rehabilitation Act of 1973** are federal laws that prohibit discrimination on the basis of disability against qualified persons in public or private programs or activities.

Students with disability may be entitled to **reasonable accommodations** such as:

- assistance in note-taking
- books on tape
- a reader
- sign language interpreters
- extended time on exams
- quiet testing rooms
- alternate exam format
- transportation in a wheelchair-accessible van
- handicapped parking stickers, and other accommodations

A student has a right to accommodation if, due to a disability, they are unable to participate in services and activities provided by the college which are available to other students without the disability. A student must show proof of disability and a need for accommodation to receive them.

Disabilities commonly addressed in higher education settings are Attention-Deficit/Hyperactivity Disorder (ADHD), Learning Disability (LD), and chronic illness. Each is described below.

5.B.iii.a. Attention Deficit/Hyperactivity Disorder (ADHD)

Attention Deficit/Hyperactivity Disorder (ADHD) is characterized by persistent lack of attention and/or hyperactivity/impulsivity.

The Symptoms associated with ADHD are:

- difficulty listening
- difficulty responding to and organizing tasks
- difficulty staying focused
- difficulty staying seated for a long period of time
- distracted by irrelevant stimuli

Types of Diagnosis:

- ADHD-predominantly inattentive
- ADHD-predominantly hyperactive
- ADHD combined

5.B.iii.b. Learning Disabilities

Adults with documented learning disabilities can be eligible for accommodations related to their disability.

It is important to understand and recognize this problem because learning disabilities may affect performance on tasks that require reading skills, mathematical skills, or writing skills. Learning disabilities are diagnosed when a person's achievement or individually-administered standardized tests in reading, mathematics, or written expression is substantially below that expected for age, schooling and level of intelligence.

Types of Learning Disabilities:

- **Reading Disorder:** Also known as dyslexia. Occurs when there is difficulty decoding written letters and word symbols into meaningful language. Both oral and silent reading may be slower because of a reading disorder.
- **Mathematics Disorder:** When an individual has difficulty performing the following mathematical skills: decoding written problems into mathematical symbols, recognizing or reading numerical symbols, copying numbers or figures correctly, and/or following sequences of mathematical steps.
- **Written Language Disorder:** When an individual has difficulty creating written texts. His/her writing may have grammatical or punctuation errors within sentences, poor paragraph organization, and/or multiple spelling mistakes.
- **Oral Language Disorder:** When a person has a considerably limited vocabulary, errors in tense, difficulty developing sentences and general difficulty expressing ideas.

Other disabilities include visual, physical, psychiatric and hearing disabilities and disability due to head trauma.

It is important to remember that while some disabilities can be seen, many disorders are not visible. If you believe that you have a learning disability, or any other type of disability, it is important that you are tested. Colleges generally require you to be tested in order for you to receive a special accommodation. Once you are tested and diagnosed, you may be eligible for various types of appropriate accommodations and assistance. Contact your college Disability Services office for information.

5.B.iv Resources

5.B.iv.a. RI Relay for Hearing Impaired

Telecommunications Relay Services (TRS) allows individuals who are hard-of-hearing, deaf and speech disabled to communicate using a text telephone known as **TTY** or **Telecommunications Device for the Deaf (TDD)**. A person who is hearing impaired types the information on the device and the relay operator will then read it in spoken words to the other person. In essence, the device is necessary to enable the relay operator to communicate with both hearing impaired and the hearing person. The state of Rhode Island has a **Relay Center** to facilitate this process. The Relay Center has numerous 1-800 phone lines dedicated to connecting individuals who need this type of service. The Rhode Island Relay services are in two languages: English and Spanish.

The RI Relay Services can be reached by dialing:

- 1-800-745-5555 TTY/TDD
- 1-800-745-6575 Voice
- 1-800-745-1570 ASCII (same as TDD but a faster device)

Spanish Relay can be reached by dialing:

- 1-800-855-2884 TTY/TDD
- 1-800-855-2885 Voice
- 1-800-855-2886 ASCII

For further information about the RI Relay Services, call the AT&T Relay Customer Service Center at:

- 1-800-682-8786 TTY/TDD
- 1-800-682-8706
- www.att.com/relay

5.B.iv.b. Other Resources

Governor's Commission on Disabilities
555 Valley Street, Building 51, 3rd Floor
Providence, RI 02908-5686

401-222-3731
TTY and FAX 222-2833
disabilities@gcd.state.ri.us
www.gcd.state.ri.us

RI Disability Law Center, Inc.
349 Eddy Street
Providence, RI 02903
401-831-3150 or 1-800-733-5332
TDD: 401-831-5335

5.B.iv.b.1 Services for Learning Disabled Students

Student Services/Peer Counseling
Room 125, URI College of Continuing Education
80 Washington Street
Providence, RI 02903
401-277-5010 or 401-277-5467
TDD: 401-277-5020

5.B.iv.b.2 Disability Services for Students

Office of Student Life
University of Rhode Island
330 Memorial Union
Kingston, RI 02881
401-874-2098
TT via relay: 1-800-245-5555

Community College of Rhode Island (CCRI)
Knight Campus
400 East Avenue
Warwick, RI 02886
401-825-2274
TTY: 401-825-2313

Rhode Island College
Office of Student Life
600 Mt. Pleasant Avenue
Providence, RI 02909
401-456-8061
TDD: 401-456-8296

5C GOING BACK TO SCHOOL

5.C.i GED

Students who have not graduated from high school should make every effort to get a **General Education Diploma (GED)**. This diploma is earned by passing an examination. Examinations are given in English, French, and Spanish. GED preparation courses are given throughout the state. If you have any questions about the **GED** or the **Rhode Island High School Equivalency Program**, call 401-277-4600, ext. 2181.

5.C.ii Higher Education

There are a number of state higher education programs that try to address the particular needs of women who must fit higher education into a life containing many other obligations. Some of these programs provide childcare and special academic support and remedial classes to make returning to school easier. Financial aid may be available. Call or write:

College of Continuing Education
University of Rhode Island
80 Washington Street
Providence, RI 02903
401-277-5160

The Community College of Rhode Island offers Associate Degrees and certification programs in many fields of interest. Many of these programs are work related. Financial aid and childcare may be available. Call or write:

Community College of Rhode Island (CCRI)
Knight Campus
400 East Avenue
Warwick, RI 02886
401-825-2285

5.C.iii Adult Education

According to state law, adults have the right to education; however, after age 16, education is not mandatory. The State of Rhode Island defines **adult education** as the classes, programs, activities, training and other learning experiences designed for individuals who are above the age of mandatory school attendance. The goals of these classes and programs are to assist adults in academic achievement and advancing in employment opportunities. While adults are not required to attend school, the State of Rhode Island requires cities and towns to have available programs and services constituting adult education.

These programs and services consist of the following:

- Basic Education
- Vocational Training
- Higher Education
- Continuing Education in Professional and Technological Occupations
- General Personal Development
- Public Service Education
- Supportive Services

5.C.iii.a. Adult Education Bill of Rights

In 1999, the State Legislature passed an act defining basic rights of adults participating in **Adult Education Programs (Senate Bill 99S0470)**.

Adult learners shall:

- be treated with dignity and respect
- be involved in policy development affecting adult education
- be offered cost-effective services which meet learners' needs
- have access to testing and evaluation and necessary accommodation for learning disabilities
- be fully informed about the educational choices available to them
- be permitted to participate in decisions about their educational process, including information exchange and goal setting
- have a right to an education equal with their abilities including but not limited to basic skills, vocational education and/or secondary education or its recognized equivalent
- receive consistent, sustained quality in their education
- have access to an educational system that is coordinated and integrated statewide and provides additional support, including but not limited to transportation and childcare if available.

5.C.iii.b. Resources:

The Dorcas Place Literacy Center

270 Elmwood Avenue
Providence, RI 02907
401-273-8866

Assists low-income adults to realize their full potential through education, employment and advocacy

International Institute of Rhode Island

645 Elmwood Avenue
Providence, RI 02907
401-461-5940

The Genesis Center

620 Potters Avenue

Providence, RI 0290
401-781-6110

This Center provides a variety of programs for adults, such as night classes, ESL, and citizenship classes.

**Aquidneck Island Adult Learning Center
Lenthal School**
Spring Street
Newport, RI 02840
401-847-7171

Adult Education Specialist
80 Washington Street, 6th Floor
Providence, RI 02903

Learning Enhancement For Adults Program (LEAP)
College of Continuing Education
80 Washington Street
Providence, RI 02903
401-277-5170

LEAP is a scholarship program designed for minority adult students. LEAP provides tutoring and on-going academic support.

CHAPTER 6 ELDER ISSUES

Glossary:

Terminally Ill: If a Patient is found to be terminally ill it means that the patient will not recover from illness.

Incapacitated: An incapacitated person is one who is impaired by a medicine, by a mental illness, or by a physical illness or disability to the extent that personal decision making is impossible.

Mentally Competent: the mental ability to understand problems and make decisions.

Fiduciary Duty: A duty of the utmost good faith, trust, and confidence owed by a fiduciary to the beneficiary; a duty to act with the highest degree of honesty and loyalty to another person in the best interests of the other person.

Mentally Incompetent: Lack of legal ability in some respect, especially to stand trial or testify.

A Sworn Petition: Is a formal written request presented to a court or other official body. A sworn statement is given under oath.

Probate: The judicial procedure by which a testamentary document is established to be a valid will.

A Beneficiary: One designated to receive something as a result of a legal arrangement or instrument.

Right to Survivorship: Joint tenant's right to succeed to the whole estate upon the death of the other joint tenant.

6A INTRODUCTION

This section contains general information about legal issues for senior citizens and their families. It is not intended to provide legal advice; the facts in an individual case determine the application of law. If you have questions regarding any matter outlined above, you are encouraged to consult an attorney. If you do not know an attorney, you can contact **The Rhode Island Bar Association Lawyer Referral Service & Information for the Elderly** at 401-521-5040 to receive the name of an attorney to call. Persons 60 and older may receive free or reduced-cost legal help if eligible. You may also contact **Rhode Island Legal Services** for assistance at 401-274-2652, TDD: 401-272-5335.

6B R.I. DEPARTMENT OF ELDERLY AFFAIRS

The **Rhode Island Department of Elderly Affairs (DEA)** was established in 1977 in response to the growing needs of Rhode Island's older population. As of the 2000 census, approximately 242,000 of the state's one million residents were 55 years of age or older. At 14.5% of the population, RI ranks sixth in the USA in percent of citizens age 65 years and over.

DEA's mission is to provide the best possible network of supportive services to help older Rhode Islanders live in dignity, security, and maximum independence. DEA provides information about available programs and services and assistance with problems related to growing older. Office hours are 8:30 a.m. – 4:00 p.m. Monday through Friday. The Main Number is 401-462-3000.

The following are a few of the programs and services offered to elderly Rhode Islanders and their families by DEA:

6.B.i.a. Protective Services

The Elderly Abuse Unit within the DEA investigates complaints of physical abuse, exploitation, abandonment, or neglect of Rhode Islanders 60 years of age or older by a person with a **duty of care**. In abuse cases, the DEA coordinates appropriate support services and action for the victim and others involved.

Rhode Island law *requires* any person who has reasonable cause to believe that an elderly person has been abused, to report it to DEA. Reports of older persons who are no longer able to care for themselves should also be made to the **Self-Neglect Unit** of the DEA. All information regarding protective services remains strictly confidential and is not considered a matter of public record.

Inquiries and reports of suspected elder abuse should be made to the DEA **Abuse/Protective Services Unit**, Benjamin Rush Building #55; 35 Howard Avenue; The John O. Pastore Center; Cranston, RI 02920; Phone: (401) 462-0555.

6.B.i.b. Elderly Housing

A person must be 62 years of age or older, or have a disability, to be eligible for **elderly subsidized housing** (50 years of age or older in Providence public housing.) Applicants may apply for housing in any community they desire.

Very low income applicants (less than about \$16,400; \$18,750 for a couple) have priority for subsidized housing. Senior housings maintain waiting lists after all units are filled. Tenants pay 30% of their monthly income for rent. Medical expenses that exceed 3% of income serve to reduce the amount of rent owed.

Lists of Rhode Island's senior subsidized housings are available from the **DEA** by calling (401) 462-3000.

6.B.i.c. Real Estate Tax Sales

In the event of a **tax sale** for non-payment of real estate taxes on property to whom the estate is taxed is listed in the records of the assessor and/or collector as having applied for and been granted a property tax abatement based wholly or partially on the age of the taxpayer, the collector is required to notify the **Department of Elderly Affairs** by registered or certified mail postage prepaid not less than 20 days before the date of the sale. Failure to notify DEA does not affect the validity of a tax sale.

6.B.i.d. Pharmaceutical Assistance

The **Rhode Island Pharmaceutical Assistance to the Elderly (RIPAE) program** pays a portion of the cost of **Category A** prescriptions used to treat the following conditions for eligible Rhode Island residents 65 years of age or older:

- Alzheimer's disease
- Arthritis

- Diabetes (including insulin & syringes for insulin injections)
- Heart problems
- Depression
- Anti-Infectives
- Urinary Incontinence
- Glaucoma
- Parkinson's disease
- High blood pressure
- High cholesterol
- Cancer
- Circulatory insufficiency
- Osteoporosis
- Asthma & chronic respiratory conditions
- Prescriptive vitamins & mineral supplements for kidney problem (renal) patients

Individuals with an annual income of less than \$17,515 and married couples with a combined annual income of less than \$21,895 receive a 60% discount. Individuals with an annual income of less than \$21,987 and married couples with a combined annual income less than \$27,484 receive a 30% discount. Individuals with an annual income less than \$38,478 and married couples with a combined annual income less than \$43,974 receive a 15% discount. **RIPAE** enrollees can purchase all other FDA-approved **Category B** prescriptions (except for those used to treat cosmetic conditions) at the **RIPAE**-discounted price. There is no state co-payment for the medications purchased in this category.

Also under **RIPAE**, RI residents between 55 and 64 who are receiving **Social Security Disability Income (SSDI)** payments and who meet specified income limits, can purchase "Category A" medications at 85% of the **RIPAE**-discounted price. There is no state co-payment for these medications. The annual income limits for those receiving **SSDI** are \$37,687 for an individual and \$43,070 for a married couple.

For more information call **DEA** at 401-462-0509 (TTY/Voice: 401-462-0740).

6.B.i.e.

6C ADVANCED DIRECTIVES

Most people are concerned about maintaining control of his/her health care even if s/he becomes sick or severely injured and are unable to communicate with doctors or family members. **Advanced Directives** are legal documents that can help assure that your wishes will direct future health care decisions – whether you want assurance that you will receive the full extent of treatment to keep you alive or you want to have limitations placed on end of life medical treatments.

In Rhode Island, an **Advance Directive** can be a **Living Will** or **Durable Power of Attorney for Health Care**. Since 1991, upon admission to a hospital or a nursing home, personnel must ask patients whether they have an Advance Directive in place, and if not, provide information about them. These documents are strictly for the purpose of stating your health care wishes; there is not financial component. You do not need an attorney or a notary, just two qualified adult witness. You should put the copy in a safe place (let family members know where), and send copies to family members, physicians, lawyers and others involved in your care.

6.C.i Living Will

A **living will** is a document stating your wishes concerning life-sustaining (life-saving) treatment. It is an instructional tool for your doctor concerning choices you are making in advance about life prolonging measures should you be faced with a terminal condition with no hope of recovery and you are unable to communicate your wishes yourself. You are considered terminally ill if you have an incurable or irreversible condition that, without life-sustaining procedures, will cause you to die quickly.

Generally, people use a living will to instruct their doctors to withhold or withdraw life-sustaining treatment. Examples of life-sustaining procedures are CPR, being hooked up to a ventilator, and artificial feeding. Even if you execute a living will, a doctor may still take action to alleviate pain or to make you comfortable.

6.C.ii Durable Power of Attorney for Health Care

A **Durable Power of Attorney for Health Care** allows you to assign an **agent** (a family member or friend) who will speak for you in the event that you are unable to communicate your health care desires due to any kind of illness or injury. You may name one agent and up to two alternate agents. If your agent fails to follow your instructions, a court may revoke his/her power. You can list specific treatments that are either wanted or not wanted in specific situations.

When completing an Advance Directive, it is important to think about your beliefs, feelings and values regarding how you would want to be treated, and to talk with your family members and physicians. Advance Directives make it easier on family members in the event they are faced with making difficult medical decisions, because you have discussed your wishes and they are already written down.

You may want a lawyer to help you complete the forms to ensure that it is legally binding; however, it is not necessary to have an attorney to execute either the **Living Will** or **Durable Power of Attorney for Health Care**. The form is valid until revoked by you, and you may revoke or change it at any time.

Remember that so long as you are able to communicate for yourself, you alone will make decisions concerning your health care.

Copies of a **Durable Power of Attorney for Health Care** form that meets Rhode Island statutory requirements is available in both English and Spanish by calling (401) 462-4000.

6.C.iii Durable Power of Attorney for Finances

This is a written document by which you grant an agent of your choice, the legal authority to manage your financial and/or personal affairs in the event that you become incapacitated, or otherwise unable to handle those affairs yourself. You may choose a **general Power of Attorney** giving your agent unrestricted access to your property, or a **limited Power of Attorney** specifying exactly what the legal and/or financial responsibilities are (such as signing checks from a specific account). The document must be completed while you are

mentally competent, but it is **durable** because the Power of Attorney continues in effect after incapacity, serious mental illness or disability. You may sign a **Durable Power of Attorney** giving authority to the agent as of the date you sign it, or a **springing Power of Attorney** that comes into effect only if you become incapacitated.

Your agent is authorized to make financial and business decisions in agreement with your wishes and they have a **fiduciary duty** to act responsibly and reasonably. You should seek legal advice when executing a Durable Power of Attorney, keep copies in a safe place, and inform family members that you have one.

All of the above instruments transfer personal control to others. Therefore, it is important to plan in advance, avoid decisions made in crisis and carefully chose your agent.

6.C.iv Guardianship

Sometimes people become **mentally incompetent** and are not able to receive and understand information, evaluate choices, make and communicate decisions. If you become incapacitated or unable to make decisions about your care and/or finances, and have not appointed a Durable Power of Attorney and a Durable Power of Attorney for Health Care, only the Probate Court has the authority to appoint someone to manage your affairs. Probate Court can appoint a **Guardian** who may take complete responsibility for your finances, care and supervision. The Guardian can be a family member, an outsider, agency or institution (such as a bank). The Guardian has a **fiduciary duty** to do what is best for you and your property.

Any person may initiate guardianship proceedings by filing a sworn petition with the Probate Court along with a completed decision-making assessment tool. Rhode Island Probate Courts will seek to implement less restrictive alternatives to guardianship whenever possible and will designate a guardian in only limited areas as needed.

6.C.v Hospice Care

Please see section [8.A.xv – Hospice Care](#) for information.

6D WILLS AND PROBATE

6.D.i Wills

A **will** is a formal document that distributes your property when you die.

A typical will does the following:

- A will names a person to serve as your **executor**. The executor is in charge of your affairs when you die. S/he will distribute your property as your will directs and will administer your estate through the probate process. This includes paying your debts and death-related expenses, filing tax returns and paying any taxes which may be due. If your executor dies before you or cannot carry out his/her duties for any

reason, the probate court will appoint a successor. To avoid this, you should name **an alternate executor** in your will who will serve if your first choice cannot. The will generally gives your executor broad powers in administering your estate through probate. This avoids some of the costs and inconveniences of probate court supervision.

- A will distributes your **probate estate** among **beneficiaries** of your choosing. Your probate estate consists of all the property you own in your name when you die and have control over – cash, stocks, bonds, bank accounts, real estate, business interests, and personal belongings such as cars, furniture, clothing and jewelry. (Your probate estate excludes certain joint property and also excludes life insurance policies which pass to a beneficiary you have named in a separate beneficiary designation.) Again, a beneficiary may die before you do. You should always remember to name **alternate beneficiaries** just in case that should happen.
- A will can make **special gifts** of property or cash to persons or to charities.
- A will can be used to set up **trusts**. A trust can ensure proper management of property you wish to leave for someone who you feel cannot manage the property himself or herself. For example, you may wish to delay distribution of property to a young person until he or she reaches a certain age. Or you may want to leave a fund to provide for the education of a person or for some other restricted purpose. For more information contact your bank or a financial advisor.
- A will can appoint **a guardian** to care for minor children. Senior citizens should be aware of this due to the increasing frequency of naming grandparents to act as guardians of grandchildren.
- Your will remains valid until properly changed or revoked. If you lose or destroy the original, it is presumed that you have revoked it. For this reason alone, it is important that you safely store the original. Also, you should never write on your will after it is executed. Such writing is not effective and may invalidate the document or raise controversy about your will. If you wish to change your will, you must do so by a separate document known as a **codicil**.

If you die without a will, you are said to have died **intestate**. In that case, your property will be distributed as provided by Rhode Island law regardless of your personal wishes. Family members or friends who knew of these wishes will have no say in the matter. The court must follow the state's intestacy laws.

Owning property jointly is not a substitute for a will. A sound ownership plan may include joint ownership of property, but it is a common misconception that joint ownership of all or most of your property eliminates the need for a will. At the very least, you need a will to distribute this property when the surviving co-owner dies.

6.D.ii Probate

When you die, your estate will be admitted to **probate** for court supervision and approval of the administration of your estate and the distribution of your property. The property will be distributed under the terms of your will, or, in the absence of a will, under Rhode Island's intestacy laws. It is a common misconception that probate court can be avoided if no will exists.

6.D.ii.a. What happens when a will is probated?

First, the estate is submitted to the court by filing the appropriate documents. Then, the court approves the appointment of the executor who advertises in the local newspaper the opening of the estate. Third, the estate remains open for at least 6 months to allow for the filing of claims against the estate. If funds are available, the estate is required to use them to pay claims. Fourth, unless the will states differently, the probate court must approve each sale or disposition of property. And finally, when the administration of the estate is nearly over, the executor files a final accounting. If the court approves the accounting, then the estate is closed.

6E REPRESENTATIVE PAYEE

Sometimes, people who receive **Social Security** or **SSI** are not able to handle their own financial affairs. In those cases, and after a careful investigation, the **Social Security Administration** will appoint a relative, a friend, or other interested person to handle their Social Security matters. That person is a **representative payee**. All Social Security or SSI benefits due are made payable in the representative payee's name on behalf of the beneficiary. If someone has a power of attorney, that does not automatically qualify them as the representative payee.

If you are a representative payee, you have important responsibilities:

You must use the Social Security or SSI benefits for the personal care and well being of the beneficiary. Any excess funds must be saved on the beneficiary's behalf. You must keep Social Security informed of any events that might affect the beneficiary's eligibility for benefits. For example, should the beneficiary move or gets a job or dies. You must file a periodic accounting report with Social Security that shows how you spent or saved the benefits you were paid.

For more information, contact any **Social Security office**.

6F CO-OWNING PROPERTY

Most people are familiar with the concept of **co-ownership** (or **joint ownership**) which occurs when more than one person owns property such as a home, a bank account, or stocks and bonds. There are actually three kinds of ownership: **joint tenancy**, **tenants in common** and **tenancy by the entirety**.

6.F.i Joint Tenancy

Signing a legal instrument, such as a deed, a will, a contract or an agreement, creates a joint tenancy. For example, if you have ever opened a joint bank account, you may recall signing an agreement at the bank. When you signed this agreement, it described the co-owners as joint tenants with a right of survivorship. That term is always used when creating a joint tenancy and means that when one joint owner dies, the other automatically takes the property. This is true regardless of the terms of the will.

Each joint owner has an equal share of the property. For example, if three people are joint owners of real estate, each owns one-third. When personal property such as a bank account is owned as joint tenants, each joint tenant may deposit to, withdraw from and control the account without the authorization of the other(s).

In the case of real estate, each joint tenant may use and enjoy the property, but no joint tenant may sell it without the approval of the other(s). A joint tenant may transfer only his or her share, and that transfer will end the joint tenancy.

A word of caution, if one of the joint tenants owes money to a creditor, that creditor may sue for all of the jointly owned property. This is true even if the other joint tenants owe nothing. Therefore, joint tenants should keep careful records of the individual contributions to the property to avoid being held responsible for the debts of the others.

6.F.ii Tenancy in Common

Tenants in common each own a share of property. The shares do not have to be equal. For example, 3 people may own real estate as tenants in common with one of them owning half and the others each owning one-quarter. However, if the shares are not specified, then it is presumed that each co-owner has an equal share. No matter what share, each co-owner has the right to use all the property.

A tenant in common may sell or transfer his/her share. There is no right of survivorship. A tenant in common may also give away his/her share by will. If a tenant in common dies without a will, then his/her share will pass to his/her heirs under the laws of intestacy.

An individual may use his/her share to settle a debt, and a creditor may sue for the share of the indebted person.

6.F.iii Tenancy by the Entirety

This is a special designation that may be used only by a married couple. Usually, only real estate is owned this way. The words **tenants by the entirety** must appear on the married couple's deed, will contract or agreement.

The couple must be married at the time they receive the property to own it this way. If an unmarried couple co-owns property, they must change their ownership to tenants by the entirety if they later marry and want to own it that way. Similarly, a married couple who co-own property either joint tenants or tenants in common may change to tenants by the entirety.

Each spouse owns an equal share of the property and may use the property. Neither spouse can sell the property without the other's approval. Like joint tenancy, tenancy by the entirety includes the right of survivorship. In other words, if one spouse dies, his/her share will pass automatically to the other spouse regardless of the terms of a will.

Property held as tenants by the entirety cannot be sold or auctioned to settle a debt of only one spouse so long as both spouses are living. If the indebted spouse dies first, the

surviving spouse keeps the property and does not have to pay the debt. However, if both spouses owe the debt, then a creditor may sue to obtain the property.

CHAPTER 7 EMPLOYMENT

7A EMPLOYMENT

Glossary:

Compensatory Time: Time that an employee is allowed to take off from work, in very limited circumstances, instead of being paid for overtime already worked.

7.A.i Introduction

States make laws to protect the rights of employees and employers. Some of these laws only apply if there are more than 50 employees, while others apply to all businesses. Check each section carefully to see if your job qualifies.

7.A.ii Parental and Family Leave

The Rhode Island Parental and Family Leave law says that all employers with 50 or more employees must allow their employees up to 13 weeks (in a row) of unpaid time off from work if:

- they give birth to a child
- they adopt a child
- one of their family members or the employee him/herself has a serious illness.

Employees are eligible for this time off after they have worked for the employer for at least 12 months. If you want to get this leave, you must tell your employer at least 30 days before you want to leave work (unless there is a medical emergency) and 30 days before you want to return.

When you return to work, you will either return to the same position you left or to a position with the same salary, benefits, seniority and other conditions of employment. While you are on leave, you will still receive health insurance benefits, but you may have to pay your premiums up front before you leave. If you do pay up front, your employer must return your payments within 10 days after you return to work.

7.A.iii Minimum Wage

As of January 1, 2004, the minimum wage for all workers in Rhode Island aged 16 and older is \$6.75 per hour.

7.A.iii.a. Exceptions to the Minimum Wage

If you are a full time student under the age of 19 working in a non-profit religious, educational, library or community service organization, the minimum wage is \$6.075 per hour. If you are a 14 or 15 year old who works less than 24 hours per week, the minimum wage is

\$5.625 per hour. (If you work more than 24 hours per week, the minimum rate is higher for all hours worked.)

There is no minimum wage for:

- workers employed in domestic service at a private home, volunteers, newspaper home delivery persons, shoe shine persons, caddies on golf courses, ushers in theaters, traveling salespersons, and Federal Government employees.
- people working for their children, or children under age 21 who work for their parents; or
- people working at resorts serving meals that are open for not more than 6 months out of the year (from May 1 to October 1).
- People working at organized camp not open more than 7 months in any calendar year. "Organized Camp" does not include trailer parks, however must have a structured program including, but not limited to, recreation, education, and religious, or any combination thereof.

7.A.iv Services for Persons with Disabilities

You cannot be discriminated against (such as fired, demoted, or harassed) just because you have a disability. For more information, please refer to [Chapter 3 - Discrimination](#) for more information. If you are blind or visually impaired, you have the right to keep you job as long as there is no great safety concern. If you need assistance, such as different equipment in order to do your job more efficiently, please call the Services For the Blind & Visually Impaired at 401-222-2300 (TDD:401-222-3010)for more information. This service will provide you with counseling, rehabilitation teaching, career assessment, vocational training and other services.

7.A.v Child Labor Laws

The state makes laws to protect the health and safety of children and teenagers under the age of 18.

The following are the laws about the employment of minors.

- Children under age 14 may only be employed in a private home or on a farm.

Minors age 14 and 15 may be employed as long as:

- they have a permit from their local school department,
- they are not employed during the hours school is in session,
- they do not work more than 3 hours per day on school days or 18 hours per week when school is in session, per Federal law
- they do not work more than 8 hours per day or 40 hours per week when school is not in session,
- they do not work before 6 a.m. or after 7 p.m. (9 p.m. during school vacations), and
- they do not work in factories, manufacturing, mechanical or processing establishments.

Students aged 16 and 17 may be employed as long as:

- they do not work more than 9 3/5 hours per day or more than 48 hours per week,
- they do not work between 11:30 p.m. and 6 a.m. *the night before a school day* (or after 1:30 a.m., ever), and
- there is at least an 8-hour break between when they stop working on one day and begin working on the next.

Non-students aged 16 and 17 may be employed as long as:

- they do not work more than 9 3/5 hours per day or more than 48 hours per week, and
- there is at least an 8-hour break between when they stop working on one day and begin working on the next.
- there is no curfew for a non-student.

Also, federal law states that no minor under the age of 18 may work in hazardous conditions. For more information about child labor laws, contact the **US Department of Labor, Employment Standards Administration** at 401-528-4431 (TTY: 401-462-8420).

7.A.vi Overtime

All employees must be paid time and one-half (1 ½) the worker's regular rate for all hours over 40 in one week. Workers paid bi-weekly must be paid at time and one-half the employee's regular rate for all hours over 40 in any one workweek. However, in any workweek in which an employee of a retail business is employed on a Sunday and/or a holiday, the rate of one and one-half (1 ½) times the regular rate at which s/he is employed must be paid to the employee. These days in which the employee is being paid time and a half shall not be included in any overtime pay.

7.A.vi.a. Overtime Exceptions

There are exceptions where overtime laws above do not apply to the following employees:

- any employee of a summer camp when it is open no more than six (6) months of the year
- police officers, firefighters and rescue service personnel employed by cities and towns.
- state employees may elect through a collective bargaining agreement, or other agreement between the employer and representatives of the employees (or if the employees are not represented by an exclusive bargaining agent, through an agreement arrived at between the employer and the employee prior to the performance of work) to receive compensatory time off for hours worked over 40 in a week, provided that the compensatory hours shall at least equal one and in-half (1 ½) times the hours worked over 40 in a week. If compensation is paid to an employee for accrued compensatory time, such compensation shall be paid at the regular rate earned by the employee at the time of payment. At time of termination unused accrued compensatory time shall be paid at a rate not less than:

- A The average regular rate received by the employee during the last three (3) years of the employee's employment, or
 - B The final regular rate received by such employee, whichever is higher.
- any employee employed in an executive, administrative, or professional capacity, compensated for services on a salary basis of at least \$200.00 per week
 - any employee as defined in subsection (4) above unless the wages of said employee, if computed on an hourly basis, would violate the applicable minimum wage law
 - any salaried employee of a nonprofit national voluntary health agency who may elect to receive compensatory time off for hours worked over 40 hours per week
 - any employee, including drivers, driver's helpers, mechanics, and loaders of any motor carrier, including private carriers, with respect to who the U.S. Secretary of Transportation has power to establish qualifications and maximum hours of service
 - any salesperson, parts-person, or mechanic primarily engaged in the sale and/or servicing of automobiles, trucks or farm implements, and employed by a non-manufacturing employer primarily engaged in the business of selling such vehicles or farm implements, to the extent that said employers are exempt under the Federal Wage-Hour and Equal Pay Act; provided that the employee's weekly, bi-weekly or monthly actual earnings exceed an amount equal to the employee's basic contractual hourly rate of pay times the number of hours actually worked plus the employee's basic contractual hourly rate of pay times one-half the number of hours actually worked in excess of 40 hours per week.
 - any employee employed in agricultural, however, the exemption shall apply to all agricultural enterprises which produce greenhouse crops, viticulture, viniculture, floriculture, feed for livestock, fur bearing animals, poultry and eggs, bees and honey and mushrooms.

However, these exemptions do not apply to any employee who under federal law is entitled to overtime pay or benefits.

7B UNEMPLOYMENT INSURANCE (UI)

Unemployment Insurance is a program that provides benefits to insured and eligible persons who are out of work through no fault of their own. The program is financed by an employer tax. The individual must have enough wages in their base period and must be able and available for work and seeking full time employment.

The minimum earnings requirement as of July 4, 2004, is \$8,100 total in base period wages; or \$1,350 in one of the base period quarters and total base period wages of at least 1.5 times the highest quarter earnings and total base period earnings of at least \$2,700.

The base period is the first four of the last completed calendar quarters prior to the claim, or last 4 completed quarters if needed to meet the minimum earnings requirement.

As of July 4, 2004, the maximum weekly rate is \$462. The number of weeks of benefits can range from 8 to a maximum of 26 weeks. An individual may receive a Dependency Allowance for up to 5 children under the age of 18 or disabled children over the age of 18.

If an individual is working less than full-time hours and the gross wages (before taxes) are less than the weekly benefit rate (excluding dependency allowances) h/she may be entitled to partial benefits as long as the individual is able and available for full time work.

Military personnel and Federal Government Employees are also entitled to file for Unemployment Benefits and should file a claim within 7 days of the last day of work or services rendered. If an individual voluntarily leaves a job or is fired from a job h/she can file an unemployment claim and go through the adjudication process where a determination will be rendered as to whether benefits are allowed or denied.

Section 28-44-17.1 states, in part, that an individual may be eligible for benefits if that individual voluntarily leaves work due to circumstances directly resulting from domestic abuse.

Unemployment Insurance offers options under some state and federal programs. **Workshare** is a state program that allows employers to reduce the hours worked by employees and for the employees to receive some benefits for the reduction in pay. Trade is a federal program that allows benefits, training and tax credits to certified companies, and their employees, who have lost business due to foreign trade. The State of Rhode Island also offers a program that would allow claimants, in receipt of Unemployment Benefits, to obtain a Tuition Waiver from any of the RI State Colleges or University. Claimants are able to attend classes using the Tuition Waiver, which is based on financial need and availability of classes.

Unemployment Insurance claims are filed by telephone by calling 401-243-9100 or through the internet at www.uicclaims.state.ri.us. Additional information on Unemployment Insurance can be found on the Internet at www.dlt.ri.gov/ui.

7C TEMPORARY DISABILITY INSURANCE

The **Temporary Disability Insurance Program (TDI)** protects eligible workers against wage losses resulting from a non-work related illness or injury. TDI is intended to provide workers who are unable to work due to illness or injury (non-work related) with a measure of income support at low cost regardless of their age or health history.

Rhode Island enacted the first compulsory TDI Program in the United States in 1942. The first benefits payments under the program were made on April 1, 1943. Only 5 other states and jurisdictions offer a similar TDI program for workers: California, Hawaii, New York, New Jersey, and Puerto Rico.

Most individuals, who work in Rhode Island, regardless of place of residence, are covered by TDI. (Exceptions include federal, state and some municipal employees as well as partners and non-incorporated self-employed workers.) To be eligible, an individual must meet certain earning requirements and be medically certified by a physician as unable to work.

Of particular interest to women is the availability of benefits for childbirth or complications of pregnancy. Pregnancy is treated the same way as any potentially disabling condition. Once a doctor tells an individual that they cannot continue to work because their condition is incapacitating, they should file a TDI claim. If the individual has enough earnings they will be paid benefits for the time they have been medically certified as unable to work. Contact the **TDI** at 401-462-8420 for information or an application, Fax 401-462-8466; hearing impaired (TTY): 401-462-8006, or on the Internet at <http://www.dlt.ri.gov>.

7D NETWORKRI

netWORKri is Rhode Island's One-Stop Career Center System, a partnership of professional labor, training, education and economic development organizations. There are six netWORKri Career Centers conveniently located throughout the state where jobseekers and employers are matched through quality employment programs and services.

Customers coming into netWORKri can access a variety of resources and technology to help them reach their training and career goals. The focal point of each center is a large resource area where customers can utilize computers to access job related websites via the Internet or utilize a variety of programs to create a professional resume and cover letter. Copy machines, fax machines and telephone banks are available to outreach to employers. Customers with disabilities will find each Center welcoming and equipped with assistive technology to meet their needs.

Job seekers can take advantage of a variety of workshops to transition back to work including resume writing, dressing for success, interviewing skills, and basic computer skills to name a few. User-friendly data is available in a variety of formats to help customers understand the local labor market and current employment trends.

Employers are offered a rich array of services to meet their workforce needs including recruitment assistance (on and off-site), posting jobs locally and/or nationwide, pre-screening of applicants, job fairs; as well as access to information on employer tax credits, labor laws, labor market information, employee skills upgrade programs, income support and other partner programs. netWORKri Business Service Specialist tailor services to readily respond to employer needs. NetWORKRI's greatest resource is professional staff committed to helping employers and jobseekers get just what they need.

7.D.i Application Process

Job seekers and employers can access the majority of programs and resources by simply walking through the door or calling the **Jobs Network**, 1-888-616-JOBS (5627); however, some programs may have eligibility requirements and a formal application process that are specific to the program, i.e., training, employee skills upgrade programs and employer tax credits. Customers may need to provide documentation during this process. netWORKri staff participate and guide customers through the application process for each program.

7.D.ii Who Can Apply

While some specific partner programs may have eligibility requirements, netWORKri services are available to all customers including jobseekers, employers, businesses, educators, students and information seekers in general.

7.D.iii Regions Served

netWORKri serves all regions and out of state residents as well. Customer can contact **netWORKri** by calling, stopping by one of our centers or remotely through the Internet, www.networkri.org. Customers are encouraged to call or visit their nearest netWORKri Center:

Pawtucket	175 Main Street	722-3100
Providence	1 Reservoir Avenue	462-8900
Wakefield	4808 Tower Hill Road	789-9721
Warren	470 Metacom Avenue	245-9300
West Warwick	1330 Main Street	828-8382
Woonsocket	219 Pond Street	762-9010

7.D.iv Costs/Fees for Program/Services

There is no cost for most netWORKri programs and services. There may be a cost for those customers who are determined eligible for a training program where the tuition cost is above the cap imposed by the Workforce Investment Area. Some employer training programs may require a match to state/federal funds. Further information is available on the **Department of Labor and Training's** web page at <http://www.dlt.state.ri.us>

7E WORKERS' COMPENSATION

Worker's Compensation is a type of no fault insurance to provide financial assistance to injured employees for medical and wage losses. It applies to businesses with one or more employees, including sole proprietor and partners, unless otherwise exempt by law. An employee may reserve the right to recover damages for personal injuries, but if so, they are excluded from the workers' compensation system.

To apply for Worker's Compensation, you must:

- Report your injury or illness to your employer immediately or as soon as you realize it is work-related. If the injury prevents you from earning full wages for at least 3 consecutive days, or requires medical treatment, your employer is required by law to file a First Report of Injury form with the Division of Workers' Compensation within 10 days of the actual injury or knowledge thereof, 48 hours if the injury is fatal.
- Seek immediate medical attention. You may choose your first care provider. Treatment at an emergency room after the accident or by a company physician does not count as the first medical care provider. Your first provider may refer you to a qualified specialist without prior approval for independent consultation or assessment, or specified treatment. If you decide to change doctors you must first find out if your employer or insurer has an approved list of physicians, otherwise known as the **preferred provider network**. If so, you must either select a physician from that list to get the approval of your employer/insurer before you see another doctor. If your employer or insurer does not have an approved list of physicians these restrictions do not apply.
- To find out if a list of physicians exists, contact your employer or insurer.
- No matter who your treating physician is, you are entitled to receive a report from him/her within 10 days of each visit.

If questions remain, call the **Education Unit** at 401-462-8100, #1 for further assistance.

7.E.i Worker's Compensation Fraud

Glossary:

Perjury: Not telling the truth when under oath about your medical claim.

Conspiracy: An unlawful criminal involvement between two or more persons who agree to commit an unlawful act. Examples are that 1) your spouse or partner, a significant other, a relative or a friend, asks you to sign a document or record that is not true; 2) a friend or spouse will ask you if they can use your social security number so that s/he can collect workers' compensation benefits that s/he are not entitled to have.

The **Worker's Compensation Fraud Unit** is responsible for investigating fraudulent claims in the State of Rhode Island.

7.E.i.a. What is Worker's Compensation Fraud?

- Obtaining money under false pretenses
- Filing a false document
- Perjury
- Conspiracy

7.E.i.b. Violations of the Worker's Compensation Act

Examples of Worker's Compensation Fraud are:

- Your accident did not happen at work, but you tell your employer it did
- You really have not been injured, but you are saying you were injured to collect worker's compensation
- You have another job. An insurance company is paying you worker's compensation benefits. They send you a "Report of Earnings". You falsely say that you have no earnings
- You are in a treating doctor's office. You fill out a form that does not tell the truth about your past injuries and accidents.

7.E.i.c. What is Employer Fraud?

- Your employer tells you not to file a claim after you are injured at work
- Your employer does not have workers' compensation insurance
- Your employer tells you to claim that your work-related injury happened somewhere else
- If you have questions about the law on workers' compensation fraud, please call 1-800-83-FRAUD, or call 401 222-3232.

The Rhode Island Relay Services: 1-800-745-5555 TTY/TDD
Spanish Relay 1-800-855-2884 TTY/TDD

CHAPTER 8 HEALTH AND MENTAL HEALTH

Glossary:

Health Care Provider: Any person who is licensed by the state to provide health care services, including doctors, nurses, laboratorians, hospital administrators, etc.

Informed Consent: A patient's knowing choice about treatment or a procedure, made after a doctor or other health care provider tells the patient all information important to the procedure (including all risks) or treatment that is going to be done.

8A HEALTH CARE ISSUES

Your health care is a responsibility shared by you and your health care giver. You can take responsibility for your own health by learning about self-care, nutrition, and illness. There are also laws to make sure your health care giver respects you and your decisions. The following pages will help you learn about health care issues, your choices, and the laws that your health care giver are required to follow.

8.A.i Self-care

You are the best protector of your own health. By taking care of yourself you can prevent many health problems now and in the future. You can go a long way in keeping yourself healthy with a little effort. It is up to you.

Some ways to have better health are:

- eating healthy foods, such as lean meats (meats without much fat, such as lean pork or chicken without skin), fruits and vegetables;
- exercising several times a week;
- getting enough sleep and relaxation; and
- seeing a doctor regularly.

One of the best resources on keeping yourself healthy is your local library. In your library you will find many books on health and illness that will help you make good health care choices.

8.A.ii Rhode Island State Law

State legislators are responsible for making laws to protect you and your health.

There is a standard of care in Rhode Island that says all women should be treated equally, and that:

- you are always allowed to stay in the hospital for 48 hours after giving birth or 96 hours after a Caesarian section (C-section);

- you can stay in the hospital for at least 48 hours after having surgery for breast cancer (called a mastectomy) and 24 hours for surgery to remove lymph nodes (called axillary node dissection);

If you feel ready to go home sooner, you can have a doctor or nurse visit you at home.

You can contact your state legislator to help you. To find the name and telephone number of your local representative, call the **Secretary of State's office** at 401-222-2357 TTY/Voice 401-222-2311.

8.A.iii Right to Refuse Treatment

You have the right to refuse medical treatment. If you are a minor, your parent or guardian must refuse the medical treatment for you. Please click [here](#) for more information on refusing treatment for children.

No one can do anything to you unless you say it is okay to do it, with two exceptions:

- If you are about to hurt yourself or someone else, your health care giver must tell someone who can help, or,
- if you are not able to make your own decision about treatment in an emergency, because you are too sick or intoxicated, your health care giver may make these decisions for you.

8.A.iv Religious Rights Related to Health

Your religion will be considered when you are being cared for in the place you get health care. According to the U.S. Constitution, you have the right to practice your religion and most health care givers try to respect your religious beliefs. However, in a life or death situation, your doctor may not abide by your religious practices when treating you. You have the right to refuse treatment or change doctors in order to find one that will be compatible with your religious beliefs.

For children, in a life or death situation, a doctor may go to court to override the parents' wishes when it comes to medical treatment for the child. Judges will almost always give the doctor the court order to get the child treated despite the religious beliefs of the parents. However, this is only done if it is a life or death crisis. Different facilities have different policies. If you want more specific information, contact your health care provider or the facility that you go to for your medical needs.

8.A.v Health and Cultural Issues

You cannot be discriminated against because of your beliefs about health. Health care givers should try to honor your customs and respect your principles even when you are in the hospital or other health care places. It is up to you to tell your health care givers about any

special customs that you believe should be followed when you or your loved ones are sick or dying.

8.A.vi Informed Consent

When you need medical care, whether it is at the doctor's office, clinic or hospital, you have certain legal rights. *No one* can do anything to you without getting your permission, *except* in an emergency if you are too sick or not able to give your permission. Before any treatment is given, you must be told exactly what is going to happen during the treatment. If you do not understand, then you can ask for it to be explained more simply. Do not be ashamed to ask more than once—many people do not understand medical terms. If you do not speak English, then your health care giver is *required* to find someone who speaks your language to tell you what is being said. Do not be afraid to ask for help in understanding the language and the medical facts. You may be asked to sign a piece of paper that says you understood the explanation, and that you give permission for your health care giver to give you treatment. This is called **informed consent**. Be sure you understand all about the treatment and have your questions answered before signing the consent for treatment form.

8.A.vii Confidentiality

When you are in the care of a health care giver, no one is allowed to talk about you and your problems unless they are talking to other people taking care of you (your health care team). It is wrong for your health care giver to talk about you with other patients, or with health care workers not taking care of you. You and your problems must be kept private (confidential).

Sometimes the law says health care givers must talk to the parents of people under age eighteen about their health care. See section [8.A.xii - Teens/Minors' Rights](#) for more information about when health care givers can talk to your parents.

Your doctor and other health care givers keep notes about your health. These notes are a secret between you and the health care giver.

You have a right:

- to see these notes;
- to make sure you and the health care giver agree about what the health care giver has written about you;
- to ask your health care giver to explain what they have written, if you cannot understand what they said; and
- to receive a copy of your medical record.

You might be asked to write a short letter to get your medical information chart and notes, but you cannot be denied permission to read them.

There are times when your health care giver may have to talk to other people who are not on your health care team. It is legal to do this only when your health care giver believes your illness or problem may cause you to hurt yourself or someone else. Sometimes, an illness may be spread easily and your health care giver must tell others to protect the health of your

loved ones, friends, or even other health care workers. See section [8.A.viii.a - Required Reporting](#) for more information.

8.A.viii HIV and AIDS Rights, Testing and Confidentiality

You cannot be tested for HIV (the Human Immunodeficiency Virus) without your permission. It is up to you to decide whether you want to get tested for HIV. If you decide to get tested for HIV, you have a choice between a confidential test and an anonymous test. If you get an anonymous test, the person giving the test will not know your name. When you get tested you will be given a secret number and you will not be able to get your results without that number. If you test positive for HIV, the tester is still *required* to tell the State that someone tested positive, but cannot tell anyone your name. There are health care providers who will test you for HIV/AIDS for free and keep the results secret. There are several clinics in Rhode Island that provide free HIV/AIDS testing and counseling. For more information about confidential and anonymous HIV/AIDS testing sites, call the **Rhode Island Department of Health's HIV and AIDS Information hotline** at 1-800-726-3010. They will not ask your name.

If you are applying for a job, your boss cannot ask you if you have HIV or AIDS unless you will be in contact with other people's bodily fluids and other people will be in contact with yours. In some cases you can also be asked if you have ever been taken care of for HIV/AIDS. You must answer truthfully. It is against the law for your boss to treat you differently because you have HIV.

You are *required* to get a HIV test if you are applying for a green card and/or getting a travel visa when you are not a United States Citizen.

8.A.viii.a. Required Reporting

The law says that sometimes your health care giver (or the health care place) must tell the State and other people about certain illnesses you have to prevent other people from getting them. This is called required reporting. Your health care giver must tell you if they are required to report your illness.

Even when your health care giver has to report your illness, they still must respect your confidentiality by only telling people in danger of getting the disease from you. See section [8.A.vii - Confidentiality](#) for more information.] For sexually transmitted diseases (diseases that you can give to another person by having sexual contact with him/her), your health care giver may be required to tell the people with whom you have had sexual contact. Sexual contact is usually defined as contact between someone's *genitals* (body parts such as a vagina, penis or anus) and body parts of another person. For diseases which can be passed along by everyday contact, your health care giver may be required to tell the people with whom you live, work, or go to school.

8.A.viii.b. HIV/AIDS

The most serious communicable disease is HIV or AIDS. HIV (Human Immunodeficiency Virus) is the virus that causes AIDS. HIV can have a serious effect on your body's ability to fight off diseases. Being infected with HIV does not mean that you have AIDS. It means that the virus is in your body and you can pass the virus to others. AIDS (Acquired

Immune Deficiency Syndrome) is any one of a number of serious conditions that can happen when your body's ability to fight off disease is weakened.

HIV is passed from one person to another through bodily fluids (blood, semen, vaginal fluids and breast milk). Anyone who has unprotected sex or shares unclean needles with an infected person can be exposed to HIV. HIV infected mothers can pass the virus to their babies during pregnancy or childbirth or while breast-feeding. Having a STD (sexually transmitted disease) may increase your chances of getting HIV. You cannot get HIV from being in the same room as someone, using the same telephone, dishes or toilet, or hugging or shaking hands. Coughs or sneezes do not spread HIV. If you have HIV, your health care giver may tell other health care givers who come into contact with your body fluids as well as people you have sexual contact with. *Your health care giver must keep information about your illness from anyone who has no reason to know, such as your employer.*

8.A.viii.c. Hepatitis C

Hepatitis C (also called HCV) is another very serious communicable disease. The Hepatitis C Virus can cause problems with your liver that can lead to death. For this reason your health care giver may tell people who come into contact with your bodily fluids (such as other health care givers) about your infection.

For more information about HIV and Hepatitis C testing and your right to privacy, see section [8.A.vii - Confidentiality](#) for more information. If you have questions about HIV or Hepatitis C or want a referral for services, you can call the **Rhode Island Department of Health's HIV and AIDS Information Hotline** at 1-800-726-3010 or call the **Rhode Island Department of Health** at 401-222-2320 or 401-222-2577 TTY/Voice 1-800-745-5555.

8.A.ix Other Communicable Diseases

There are some serious communicable diseases that are easier to get than HIV/AIDS or Hepatitis C. Tuberculosis (TB), for example, can be spread through regular contact with people, and must be reported so the state can try to prevent an outbreak (a problem where lots of people get sick).

8.A.x Breast and Cervical Health

Breast and cervical health are important to all women. Both breast cancer and cervical cancer are treatable if they are found early. It is important to get regular mammograms (breast x-rays) and to do breast self-exams. Pap smears (also called screenings) are tests to help health care givers find cervical cancer.

There are several programs in Rhode Island to help you pay for and get breast and cervical cancer screening.

RIte CARE (1-888-347-3322) is Rhode Island's public health program for *low-income pregnant women, families and children*. In addition to a full range of health care, RIte CARE members can receive:

- free breast exams,
- free Pap smears,
- free mammograms, and
- free transportation to your doctor's office, the hospital, or other health care place.

The **RI Department of Health's Women's Cancer Screening Program** (1-888-237-9800) provides women between the ages of 50 and 64 with:

- free breast exams,
- free internal pelvic exams,
- free Pap smears,
- free mammograms, and
- free transportation to the clinic, office or radiology site.

The **Breast Cancer Act 2000** says that the state will pay for screening mammograms for *low-income women under the age of 50*. Call the **Department of Health** at 1-888-237-9800 or **Rhode Island Breast Cancer Coalition** at 1-800-216-1040 for information.

Contact the **Rhode Island Cancer Council** at 401-728-4800 if you have any questions about cancer, prevention programs, screening for cancer, doctor's names who specialize in cancer, cancer treatments, and free cancer care programs, including support groups. Contact them also to obtain free copies of *Rhode Island Guide to Housing and Utility Assistance* and *Rhode Island Transportation Services: A Patient's Guide to Transportation to Medical Services*

Please note that if you do choose to participate in a clinical trial program for treatment of cancer, there should be *no cost* to you for getting that treatment under the clinical trials legislation.

There are also resources for women diagnosed with cancer. The **National Cancer Institute** (1-800-4CANCER) provides information about treatment options for all kinds of cancer, while the **Rhode Island Breast Cancer Coalition** (1-800-216-1040) and the **Rhode Island Department of Health** (1-888-237-9800) can help you get treatment for breast cancer even if you do not have health insurance. For more information about general Rhode Island Medical Assistance, see section [10.H.vi – G-MED](#) for more information.

8.A.xi Reproductive Rights

8.A.xi.a. Birth Control (Contraceptives)

A woman who wishes to prevent pregnancy does not need permission from her parent, guardian or her husband to get birth control. The choice to use birth control is up to you. Some kinds of birth control are available at a drug store or supermarket (such as condoms and female condoms), while you need a doctor's permission to get others such as oral contraceptives ("the pill") or diaphragms. If you need a doctor's permission to get the kind of birth control you choose, you have certain rights.

These rights say that:

- you do not need your parents' or husband's permission to be seen at a health care facility, *no matter how old you are*.
- your decision to get or not get birth control is private, and cannot be shared with *anyone* without your permission.

It is also important to know that some health insurance companies won't pay for all kinds of birth control. If you want to know what your health insurance company covers, call the number on your insurance card or talk to your health care giver. Also, if you are a minor seeking birth control without your parent's knowledge, do not use your parents' health insurance to pay for the treatment. Although the health care provider cannot break confidentiality, your parents' health insurance company is under *no obligation not to inform your parents* what they are paying for when the bill comes in.

8.A.xi.b. Abortion Laws, Rights and Alternatives

Whether or not to get an abortion (to end your pregnancy) is a very important decision that should not be taken lightly. Two organizations available to help you make a decision are **Problem Pregnancy of Providence** (401-421-0820) and **Planned Parenthood of Rhode Island** (401-421-9620). RI Relay TTY 1-800-745-5555. Problem Pregnancy of Providence provides counseling about non-abortion choices (such as raising your baby or giving it up for adoption), while Planned Parenthood provides decision counseling to help you decide whether you want to have an abortion, raise your baby, or give it up for adoption.

If you choose to have an abortion, there are different laws depending on how long you have been pregnant. Any woman 18 years old or older may have an abortion in her first trimester (the first three months of pregnancy). If you are between the third and the sixth month of pregnancy, you need your doctor's permission to get an abortion. After the end of the sixth month, you cannot have an abortion unless your life is in danger because of your pregnancy.

If you are under 18 years old and not married, you need parental consent to have an abortion. That means one of your parents (or your legal guardian) has to sign a paper in front of your doctor saying it is okay. If there is some reason why you cannot tell your parents you want an abortion (or if they say no), you can try to get permission from a judge to have an abortion without your parents' consent. This is called a judicial bypass. If you would like to try to get a judicial bypass, Planned Parenthood provides legal advice and court advocates (people who go with you to court).

8.A.xi.c. Sterilization

Sterilization is a medical procedure done to prevent you from having children. You cannot be sterilized without your permission. Both men and women can be sterilized—when men are sterilized it is called a vasectomy, when women are sterilized it is called a tubal ligation (or “having your tubes tied”). Sometimes it is possible to reverse a tubal ligation (so you can have children again) but if you think there is any chance you may want to have children again, you probably do not want to have this operation.

Sometimes the doctor must remove a woman's reproductive organs to save her life, often because of cancer or bleeding. This will make her sterile (unable to have children). Your

doctor must talk to you about sterility before doing anything that will make you sterile unless you need the surgery right away to save your life.

8.A.xii Teens/Minors' Rights

According to the law, anyone under the age of 18 is a minor, and needs the permission of his/her parents to receive medical treatment. Unless you are at least 16 years old, living away from home, and supporting yourself financially, you must have your parents' approval in all health care problems. That means that, in general, you must have your parents' approval before you receive any health care services.

There are some times when you do not need your parents' permission. For example, if your life is in danger, you can get medical treatment without your parents' permission.

You also don't need permission if:

- you are getting help for being suicidal (wanting to kill yourself);
- you are getting help for problems with alcohol or drugs;
- you are getting tested or treated for a sexually transmitted disease (STD) or HIV;
- you go to an anonymous HIV/AIDS testing site (one where you do not tell them your name);
- you are seeking birth control; or
- you are married and seeking an abortion.

If you are seeking confidential treatment for alcohol or drug abuse talk to your doctor because the laws are unclear in this area.

Please note: If you are a teen and you are seeking birth control, such as the pill, without your parents' knowing about it, do not use your parents' health insurance in order to pay for the treatment. The insurance companies have *no obligation to not tell your parents* what they are paying for when their insurance bill comes in. Instead you should go to a federally funded Title X family planning clinic. Title X clinics cannot require parental consent for the conditions of services to minors. For information about the Title X family planning clinic closest to you, please call the **Rhode Island Department of Health's** toll-free number 1-800-942-7434. For information about free and confidential HIV/STD testing and follow up clinic nearest you, call the **Rhode Island Health's Office of Communicable Diseases** at 401-222-2320 or the toll-free line at 1-800-942-7434.

8.A.xiii Hospital Rights

8.A.xiii.a. Hospital Emergency Room Rights

If you are ill and you go to a hospital emergency room, you must be helped even if you do not have the money to pay before you are taken care of. If you cannot afford to pay, the hospital can assist you with some type of payment plan that you can afford. The hospital has the right to make you pay for any care that you do get, but they cannot make you pay before you receive emergency care, and they cannot stop you from leaving if you haven't paid. Even if you cannot afford to pay them, and you tell them that, they still have to take care of your illness.

8.A.xiii.b. Rights of Non-Citizens (Undocumented Individuals)

Even if you are not legally living in the United States, the hospital must take care of you if you need emergency treatment. You must be given health care even though you are not a citizen. If you are going to the hospital for non-emergency care, call to find out if they want to see your papers before they treat you.

8.A.xiii.c. Visitation Rights

The Rhode Island Hospital Visitation Law says that you can make a list of up to five people you would like to be able to visit you in a hospital (including intensive care) or nursing home. This is in addition to your family. Anyone can use this law, and it is extra helpful for same-gender couples, whose relationships are not legally recognized.

If you tell your health care giver the names of the people you want to be able to visit you and what their relationships to you are (saying they are your “friends” is okay), s/he must write their names down in your medical records. If you do not want to or cannot tell your health care giver who you want to visit you, you can write it down as well. While you do not need a lawyer to make this statement, there are several rules you need to follow.

These are:

- you must write down the peoples’ names and their relationships to you in your own handwriting;
- you must sign and date the paper;
- two people who are not on the list and are not related to you must see your signature and sign the paper as witnesses.

You can change who is on your list by either telling your doctor or writing a new list.

If your health care giver will not honor your wishes, explain that state law allows you to give five people visitation rights. If you still have problems, you can call the **Gay and Lesbian Advocates and Defenders (GLAD)** at 1-800-455-GLAD TTY/1-617-426-6156 for help.

This law can only be used for visitation. If you want to name someone to make medical decisions for you, you must file a special form. See section [8.A.xvi - Living Wills and Durable Power of Attorney](#) for more information.

8.A.xiii.d. Leaving Against Medical Advice

When you are in the hospital, you may leave at any time and no one may stop you. If you leave when your health care giver thinks you are still too sick to leave the hospital, you may be asked to sign a paper saying you are leaving against medical advice. If you leave against medical advice, the hospital may still be responsible if something happens to you after you leave.

8.A.xiv Organ Donorship

When you die, you can make a gift of part of your body so other people can use them. You do not have to do this, it is up to you, and no one can make you do it. You must sign a paper that says that you agree to do this. When you get your drivers license at the Division of Motor Vehicles, you may be asked if you wish to donate your organs. If you do want to be an organ donor, a special sticker will be attached to your driver's license. For more information about donating organs, you can call the **New England Organ Bank** at 1-800-446-NEOB or RI Relay TTY 1-800-745-5555.

You should know that your body parts cannot be taken without your approval, and if you are dead, they cannot be taken without the approval of your next of kin, that is, the person who by law can speak for you after you are dead. That is usually the person you are married to, the person you gave power of attorney to (see section [8.A.xvi - Living Wills and Durable Power of Attorney](#) for more information), or your parents.

8.A.xv Hospice Care

Terminally ill persons have the right to end their life pain-free and with dignity. Hospice Care provides this option. The intent is not to cure the patient's illness but to provide coping skills and pain management to the patient and to the patient's family. Hospice Care involves a team of experts who meet the medical needs and manage the pain of the patient. The team also includes persons who are able to give spiritual and emotional support to the patient. The families (and close friends when asked) are also given emotional support as the terminally ill patient continues through his/her final stages of life. The Hospice Care staff is typically available 24 hours a day, 7 days a week. Hospice services are available to patients of any age, religion, race or illness.

It is important to note that Medicare has a **Hospice Care Benefit**. Since 1983, the Hospice Care Benefit has allowed millions of terminally ill persons and their families receive this type of end-of-life care. The Hospice Care Benefit is available under the Medicare Part A. In order to receive this benefit, the patient must have a terminal illness. For more information about the Hospice Care Benefit provided through **Medicare** please contact 1-800-MEDICARE (1-800-633-4227).

To find a **Hospice Care facility** in your area, please call 1-800-658-8898 or log on to www.nhpc.org/database.htm. You can also call the **Department of Elderly Affairs** at 401-222-2880 or TTY/Voice 1-800-322-2880 for more information. If this is something you or a family member is considering, it is very important to discuss Hospice Care with your doctor.

8.A.xvi Living Wills and Durable Power of Attorney

Many people do not want to be kept alive by machines (sometimes called heroic measures) if there is no hope they will ever get better. You have the right to make this decision. A **living will** is an agreement between you and your doctor about what you want your doctor to do if you are sick and will not get better. If you decide you do not want to be kept alive by

machines, your doctor will still take care of you and make you comfortable, but will not use heroic measures to make you live longer.

To make a living will:

- write down what you do not want your doctor to do if you are very sick and dying (for example, have a machine breathe for you, or feed you through a tube),
- talk about it with your health care giver,
- sign the paper,
- tell your next of kin about your decisions.

It is very important that you tell your next of kin about your wishes, because if you become so ill that you cannot make decisions for yourself, your health care giver will ask your next of kin to make decisions for you. Your next of kin is your spouse, the person you give power of attorney to (including your same-sex partner), your parents, or your adult children.

The **durable power of attorney** is a legal document or paper in which you name someone to make health care decisions for you if you become too sick to make your own decisions. You should be careful to choose someone who will carry out your wishes, because they will be making all the decisions about your care when you become unable to do so.

Your health care giver can give you information about living wills and durable power of attorney. It is up to you to ask your health care giver for this information if you want to make a living will or give someone power of attorney. It is important to know that some hospitals and health care places call your living will and durable power of attorney **advanced directives**. If a hospital asks you about your advance directives, tell them about your living will or whom you want to make medical decisions for you. If you have not made a living will or filled out durable power of attorney papers, the hospital will explain what they are and tell you how to make sure your wishes are followed. See section [6.C – Advanced Directives](#) for more information.

8B MENTAL HEALTH

At some point in their lives, most people have faced mental health problems such as sadness, depression or anxiety. A small number have more serious or long-term mental illnesses. There are health care givers who can help you with all of these problems. These health care givers can be found in hospitals, health centers and private offices. They may be counselors, psychotherapists, psychologists or psychiatrists. Here we will refer to all of them as “mental health providers”.

For all mental health services, what you talk about with a mental health provider is private (confidential). If you are admitted to a hospital for mental health treatment, Rhode Island law states that your civil and legal rights cannot be taken away because you are being treated for a mental illness. There is one exception: if your health care giver is concerned that you may harm yourself or harm others, they will not keep this information private.

You cannot be discriminated against for getting mental health treatment. You cannot be fired from your job for talking to a mental health provider. In addition, you cannot be discriminated against by your employer because you have a mental illness, unless it causes the employer excessive hardship to make a reasonable accommodation for your illness at your

worksite. For further information, please see section [3.B – Employment Discrimination](#) for more information.

8.B.i Suicide

Suicidal thoughts (feeling like you want to end your own life) are common. These feelings can be caused in many different ways, such as by clinical depression, alcohol or drug abuse, being mentally or physically abused, going through a divorce, having a friend or family member die, or fear of becoming ill and relying on others. While many people have suicidal thoughts or feelings at some time in their life, most are because of a temporary problem. When the problem passes, the suicidal feelings also pass.

People do not have the right to take their own lives, it is against the law in Rhode Island to do so. In addition, assisted suicide (helping another person take his own life) is illegal in Rhode Island, and any person who helps another person commit suicide will be charged with a felony.

Attempted suicide is a cry for help. For any reason, if you are having suicidal feelings it is important to know that you are not alone and you can get help. If someone you know is feeling suicidal, listen to the person and tell him/her that you are going to call someone to help them. Do not leave the person unattended or alone during these low times. If you or anyone you know is having suicidal thoughts, please call for help. The **Samaritans** run a 24-hour **suicide crisis hotline** at 401-272-4044, Voice/TDD or toll free at 800-365-4044 (voice/TDD). The Samaritans also have suicide prevention and outreach programs, and a support group called **Safe Place** for people who have lost loved ones to suicide. Please call their offices at 401-272-4243 for more information about their services, which are free.

8.B.ii Private Mental Health Services

You can get mental health and counseling services for children and families through many private hospitals and health care offices. While these private health care places will charge a fee for your care, some will offer **sliding scales**. A sliding scale means that the amount you pay can be based on your income – if you make less money, you pay less for the services. It is helpful to ask whether payment is on a sliding scale. In addition, check any health insurance plans you have to see what coverage they provide for mental health services.

8.B.iii Public Mental Health Services

Rhode Island has a public mental health system to help you get the care you need, even if you cannot afford it. There are eight **Community Mental Health Centers** around Rhode Island that provide many mental health services and support programs. Most of these programs are for people with serious and chronic (long-term) mental illnesses.

- 24 hour Emergency Services (see resource list below for phone numbers)
- Community Support Treatment: This program is for people with chronic, serious mental illness. It includes clinical services. It also helps seriously mentally ill people get other kinds of medical and dental treatment, housing, job training, public assistance and education.

- Residential (live-in) Programs: These programs are also targeting people with serious mental illness.
- Substance Abuse Treatment Programs: (see following section on substance abuse).
- Medication
- Counseling (someone to talk to about your problems).
- Help finding housing or jobs.

If you need help with a mental health problem and want to find a community mental health center near you, you can call the **Department of Mental Health, Retardation and Hospitals** at 401-462-3291. If you are in crisis and need someone to talk to right away, you can call the **Emergency Services** number of one of the health centers (see Resource List for numbers).

There are also two Hotlines you can call in a mental health emergency or for referrals.

- The Samaritans, 24 hour suicide/crisis hotline, 1-800-365-4044 Voice/TDD.
- Cross Roads, 24 hour service that helps people and families that are homeless or in transition, including those with mental health problems, 1-800-367-2700.

8.B.iv Community Mental Health Center Resources

Public mental health centers are listed below with the area each center serves.

Northern RI Community Mental Health Center

Main Location:

55 Cummings Way
Woonsocket, RI 02895
Telephone: 401-766-3330
TDD: 401-762-1577
Emergency: 401-762-1577

Serves Burrillville, Cumberland, Lincoln, North Smithfield and Woonsocket

Mental Health Services of Cranston, Johnston and Northwestern RI

Main Location:

1443 Hartford Avenue
Johnston, RI 02919
Telephone: 401-273-8100
RI Toll Free: 1-800-274-3501
Emergency: 401-553-1031
TTY: 1-800-745-5555
VOICE: 1-800-745-6575

Serves Cranston, Foster, Glocester, Johnston, North Providence, Scituate, Smithfield

Community Counseling Center

Main Location:

101 Bacon Street
Pawtucket, RI 02860
Telephone: 401-722-3560
Emergency: 401-723-1915
TTY: 1-800-745-5555
VOICE: 1-800-745-6575

Serves Pawtucket and Central Falls

Providence Center for Counseling and Psychiatric Services

Main Location:

530 North Main Street
Providence, RI 02904
Telephone: 401-276-4000
TDD: 401-274-2599
Emergency: 401-274-7111

Serves Providence

East Bay Mental Health Center

2 Old Country Road
Barrington, RI 02806
Telephone: 401-246-1195
Emergency: 401-246-0700
TTY: 1-800-745-5555
VOICE: 1-800-745-6575

Serves Barrington, Bristol, East Providence and Warren

Kent County Mental Health Center

50 Heath Lane
Warwick, RI 02886
Telephone: 401-738-4300
Emergency: 401-738-4300
TTY: 1-800-745-5555
VOICE: 1-800-745-6575

Serves Coventry, East Greenwich, West Greenwich, Warwick, West Warwick

Newport County Community Mental Health Center, Inc.

Main Location:

127 Johnnycake Hill Road
Middletown, RI 02842
Telephone: 401-846-1213
Emergency: 401-846-1213
TTY: 1-800-745-5555

VOICE: 1-800-745-6575

Serves Newport and Bristol Counties

8.B.v Support Groups

Support groups are voluntary organizations that provide information and support to patients and/or their families. There are support groups for a host of health problems, including the cancers, psychiatric disorders and mental illness, domestic violence, alcohol or drug abuse, and weight loss. Some support groups, called psychotherapeutic support groups, are run by mental health professionals, and some are run by people who themselves have experienced the health problem. Members usually meet in small groups and work together toward a healthier life, providing each other encouragement and support. Groups usually provide information and educational material and work to promote awareness of the health problems among the public. Some support groups are also involved in helping to create policy changes and to promote research on the health problems they address.

There are many support groups that meet throughout Rhode Island. Examples of mental health-related support groups are the **National Alliance for the Mentally Ill (NAMI-RI)**, 401-331-3060, website: www.nami.org, which provides support for family members of people with serious mental illnesses, advocacy for individuals with mental illness and their families; education for professionals, families and the general public, and the **Manic-Depressive & Depressive Association of RI (MDDA)**, 401-254-2572 or 401-455-6338, which provides support, education and referral to resources/professional assistance for people with manic depressive and depressive illnesses and their families.

Call your local mental health center for information on support groups, and check your local paper. Newspapers often list the names, times and locations of support group meetings.

8.B.vi Substance Abuse (Drug and Alcohol Abuse)

Rhode Island licenses substance abuse treatment and detoxification facilities, through the RI Division of Substance Abuse (DSA). DSA is part of the state's Department of Mental Health, Retardation and Hospitals (MHRH). DSA develops statewide policies and programs in substance abuse; assesses treatment and prevention needs; monitors the use of state grants for substance abuse programs; provides technical assistance; researches new services. DSA funds many community-based programs to prevent and to treat substance abuse.

Substance abuse detoxification or treatment programs that receive state funding are to serve Rhode Islanders without private insurance, or who have Rite Care or Medicaid coverage, and whose family incomes are at or below 200% of the federal poverty level.

Programs funded by DSA are also required to give priority for admission to state-funded slots to clients in the following order (top priority first):

- Pregnant injecting drug users
- Pregnant women

- Injecting drug users
- Persons who are HIV antibody positive or have HIV disease
- Parents involved with the Department of Children, Youth and Families AND are working toward reuniting with their children and who must participate in substance abuse treatment as a requirement for unification
- Persons who, while in prison, begin substance abuse treatment and continue to need additional treatment after release
- Treatment Alternative to Street Crime (TASC)-referred clients

8.B.vi.a. Substance Abuse Services

People who are dependent on drugs or alcohol often initially need detoxification services before they can enter a longer-term treatment program.

Detoxification is the safe withdrawal from alcohol and/or other drugs that a person is dependent on. Detoxification is not a treatment for addiction. Instead, it helps with short-term symptoms of withdrawal from drug dependence. It helps to prepare the drug-dependent person for the next step into ongoing treatment. Detoxification can take place in different settings, using different types of treatments, depending on the drug(s) of dependence and on other risks such as the person's living environment, health, and past history of substance abuse.

There are different types of detoxification:

- Medical detoxification is provided in a hospital or other medical setting
- Social setting detoxification is provided in a residential program and the services are non-medical
- Outpatient detoxification is provided outside of the hospital to people living in the community. Health Care Providers oversee their withdrawal symptoms to make sure that medical or psychological problems do not develop because the alcohol or drugs are no longer being used.
- Medically supervised withdrawal is also provided in the community. Persons who are on drugs such as **methadone** or **LAAM** have this drug slowly withdrawn over a period of time as determined by a physician.

In short-term detoxification, this is over a period of less than 30 days. In long-term detoxification, the period is from 30 to 180 days.

Methadone means methadone hydrochloride (oral form), a synthetic narcotic, which is effective in treating dependence on opiate drugs such as heroin. It is used in detoxification for withdrawal, and in maintenance. Its purpose is to end the withdrawal symptoms and reduce the craving for people addicted to opiate drugs.

LAAM means levo-alpha-acetyl-methadol hydrochloride (oral form), an alternative medication used in narcotic treatment, as an additional drug to counter opiate addiction.

Several kinds of substance abuse treatment services are available, in different settings:

- Residential services means a home operated on a 24-hour basis with direct supervision and services for three or more substance abuse clients who live there. Treatment services, support services and social guidance services are often

- included. Residential programs include halfway houses, three-quarter houses, transitional or long-term care facilities and therapeutic communities.
- Outpatient services means individual, family or group counseling services for people who do not need residential or day/evening services. Clients live in the community but receive services in outpatient visits as specified in a treatment plan. The services include counseling, assessment and evaluation, case management, referrals, follow-up or continuing care and sometimes medication. Often, outpatient treatment follows treatment in a more intensive setting.
 - Day/evening treatment means intensive treatment services for clients living in the community. These services are provided at least 4 days per week for at least 4 hours at a time. Services include case management, individual and group counseling, education and life skills training.
 - Narcotic Treatment Facility is a licensed facility with a wide range of services including counseling, along with administering methadone/LAAM as a maintenance treatment or detoxification. It is sometimes known as a “methadone maintenance” program, but is not limited to methadone.

8.B.vi.b. Substance Abuse Resources

24-Hour HELPLINE for Alcohol and Other Drug Problems: 1-800-622-7422

Alcoholics Anonymous (AA): 401-438-8860

Drug and Alcohol Treatment Association (DATA): 401-521-5759 (same number for TDD/Voice)
Narcotics Anonymous (NA): 1-877-461-1110 (toll-free)

RI Division of Substance Abuse: 401-462-4680

SSTAR Detox, 24-Hour Intake: 1-800-RI-SOBER (1-800-747-6237)

Treatment Alternative to Street Crime (TASC): 401-462-2381

Please use RI Relay for all phone numbers without separate TTD/TTY phone numbers at 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice).

Licensed Substance Abuse Treatment Programs

Name	Address	City	Zip	Phone
Addiction Recovery Inst.	31 No. Union St.	Pawtucket	02860	725-2520
Addiction Recovery Inst.	205 Helene Rd. Suite 102	Warwick	02886	737-4788
CARE NEW ENGLAND/Butler Hospital	345 Blackstone Blvd	Providence	02920	455-6220
Center For Behavioral Health	985 Plainfield St.	Johnston	02919	946-0650
Child & Family Services of Newport	19 Valley Rd.	Middletown	02840	849-2300
CODAC I	1052 Park Ave.	Cranston	02910	461-5056
CODAC II	349 Huntington Ave.	Providence	02909	942-1450
CODAC III	93 Thames St.	Newport	02840	846-4150
CODAC IV East Bay	850 Waterman Ave.	E.Providence	02914	434-5999
Community Counseling Center	101 Bacon St.	Pawtucket	02860	722-5573
Comm Counsel Ctr/Memorial Hosp	101 Bacon St.	Pawtucket	02860	722-5573
Comp Com. Action/Addiction Serv	311 Doric Ave.	Cranston	02910	781-3990
(Discovery House 1) RI Sub Abuse Tx.	66 Pavilion Ave.	Providence	02905	461-9110
(Discov. House 2) RI Sub Abuse Tx.	1625 Diamond Hill Rd	Woonsocket	02895	762-1511
East Bay Mental Health Center	610 Wampanoag Tr.	E.Providence	02914	431-9870
Eastman House	1545 Pontiac Ave.	Cranston	02910	463-8829
Family Resources Inc (Woon)	245 Main St.	Woonsocket	02895	766-0900
Family Services Inc.	55 Hope St.	Providence	02906	331-1350
Friends of Caritas (Caritas Hs.)	166 Pawtucket Ave.	Pawtucket	02860	722-4644
Friends of Caritas (Corkery Hs.)	15 Bakers Pine Rd.	Richmond	02898	539-3002
Galilee House	268 Kingstown Rd.	Narragansett	02882	789-9390
Kent Co. Mental Health	300 Centerville Rd. Suite 30	Warwick	02886	732-5656
Kent House	2020 Elmwood Ave.	Warwick	02888	781-2700
MAP Alcohol & Drug Rehab Svs	66 Burnett St.	Providence	02907	785-0050
Marathon OP Program	131 Wayland Ave.	Providence	02926	331-4250
Marathon House Ladd Center	PO1 Box 420	Exeter	02822	295-0960
Marathon, Lodge at Wallum Lake	PO Box 141	Pascoag	02859	568-1770
Name	Address	City	Zip	Phone
Meadows Edge Recovery Center	580 Ten Rod Rd.	N. Kingstown	02852	294-7240
{MHS} Counseling & Intervention – Warwick	422 Post Rd	Warwick	02886	781-0033
ENRI Community Service	280 Broadway	Providence	02903	521-2302
NRI	80 Summit St.	Pawtucket	02860	728-4010
Prov. Center/Talbot	520 Hope St.	Providence	02906	276-4040
Prov. Center/Talbot – Directions	1071 Main St.	W. Warwick	02893	828-6373
Prov. Center/Talbot – ROAD Counsel	8 Court St.	Woonsocket	02895	762-7000
Prov. Center/Talbot - Detox, Outpatient and Women’s Day Tx	90 Plain St.	Providence	02905	785-8380
Prov. Center/Talbot – Transitional Ca	2198 Wallum Lake	Pascoag	02859	568-6670

Name	Address	City	Zip	Phone
Prov. Center/Talbot – Women Drug Tx	DOC PO Box 8312	Cranston	02920	464-2129
Prov. Com. Action – Clinical Svs.	622 Hartford Ave.	Providence	02909	272-0660
Prov. Com. Action – Clinical Svs.	16 Boringuen St.	Providence	02902	272-1006
SNE/ADCARE Tx Cnt	1090 New London Ave	Cranston	02920	463-5778
South Shore Mental Health	Old Post Rd. Box 899	Charlestown	02813	364-7705
St. Joseph's Hospital. Dual Diag. Program (SST)	21 Peace St.	Providence	02907	456-4234
SSTARBIRTH	80 East St	Cranston	02920	463-6001
SSTAR of Rhode Island Detox	21 Peace St.	Providence	02907	456-4440
SSTAR of Rhode Island Detox	1950 Tower Hill Rd.	N. Kingstown	02852	294-0419
SSTAR/New Visions for Newport	19 Broadway	Newport	02840	847-7821
Tri-Hab House	79 Asykum St.	Woonsocket	02895	766-1665
Tri-Hab Community Counseling	58 Hamlet St.	Woonsocket	02895	765-4040
Tri-Hab Pawt Addiction Cnt (PACS)	51 Clay St.	Central Falls	02863	726-8080
Tri-Town SA TX Center	1126 Hartford Ave	Johnston	02919	351-2750
Women & Infants Hospital- Project. Link	111 Plain St.	Providence	02903	453-7618

CHAPTER 9 HOUSING AND PROPERTY

Glossary:

Tenant: A person having the legal right under a rental agreement to occupy a dwelling unit.

Landlord: The owner, lessor, or sub-lessor; also the manager of the premises.

Owner: One or more persons (including an organization) holding legal or tax title of a dwelling.

Eviction: An act or process of legally removing another person from renting a property (i.e., an apartment)

Summons: A process that begins the victims' action and requiring the defendant to appear and answer questions in court.

Claim: A demand for money or property to which a person asserts a right.

Complaint: A formal charge accusing a person of an offense.

Counterclaim: A claim for relief asserted against an opposing party after an original claim has been made.

Noncompliance: Failure or refusal to comply.

Security Deposit: Money given by the tenant to a landlord at the beginning or shortly after renting a dwelling unit as a deposit to pay for any physical damages to the unit.

Some Definitions used from [The Rhode Island Landlord-Tenant Handbook](#)

9A LEAD POISONING : YOUR HEALTH AND YOUR LEGAL RIGHTS

9.A.i Your Health

Lead is a soft grayish blue metal, which is used in many products and is often accompanied by poisonous salts. Lead absorption or ingestion can affect both children and adults, and is harmful to many body parts.

Some important things to know about lead are:

- Lead is most dangerous for children under the age of 6.
- One out of eleven Rhode Island children under the age of 6 has a dangerous level off lead in his/her body.
- Rhode Island has 3 times as many cases of lead poisoning than is average for the United States.
- Children from low-income families are more at risk for lead poisoning than other groups.

Lead poisoning can be prevented if you take three simple steps:

- Learn about where there could be lead in your home and how it affects the health of you and your family;
- Find out what to do if you think there *is* lead in your home; and
- Learn your legal rights.

9.A.ii How Lead Gets Into Our Bodies

You can breathe in or eat lead:

- Eating lead: Children can eat paint chips (lead has a sweet taste), or they may put their hand in their mouth after touching things that have lead on them. Adults can eat lead by not washing fruits, vegetables or other foods before they eat them. They also can put lead in their mouths in the same way as children – by touching things with lead on them that can end up in their mouths, such as cigarettes.
- Breathing lead: Children and adults are at risk of breathing in lead dust. It was once thought that lead paint chips were the leading cause of lead poisoning. It is now known that dust from paint and lead-contaminated soil is the leading cause. Good hygiene and landscaping are two ways to help reduce the chance of getting lead poisoning.

9.A.iii Who is most at risk for lead poisoning?

Lead poisoning is most dangerous for children under the age of 6 (because lead interferes with their developing bodies) and pregnant women (because lead can go from the woman's body to the fetus). Young children have an even higher risk for lead poisoning because they often put their hands in their mouths.

9.A.iv Why is lead so poisonous?

When someone gets lead in his/her body, it is mistaken for calcium. Since our bodies cannot break down lead the way we can break down calcium, the lead builds up and poisons our bodies. Lead affects all systems within the body.

9.A.v What happens when lead gets in someone's body?

High levels of lead can cause convulsions, a coma, mental retardation, and possible death.

Low level exposure to lead for a long time can cause:

In Children:

- reduced IQ
- attention deficits
- hyperactivity
- impaired growth
- learning disabilities
- hearing loss
- insomnia
- headaches
- behavioral problems
- weight loss

➤ anemia

- vomiting
- motor deficits

In Adults:

- reproductive problems
- high blood pressure
- digestive problems
- nerve disorders
- memory and concentration problems
- muscle pain

- During Pregnancy:**
- miscarriage
 - low birth weight
 - birth defects

If you are pregnant and fear that you have lead poisoning the first thing to do is to seek early prenatal care. Talk to your doctor early on in your pregnancy about lead poisoning and about the things you can do to have a healthy and safe pregnancy. For more information please call the **Family Health Information Line** at 1-800-942-7434.

A blood test is the only way to tell if you or your child has lead poisoning. You can get this test from your doctor or health care, and it is usually inexpensive and sometimes free. For more information about **lead screening tests**, call the **Department of Health** at 1-800-942-7432, TTY: 401-222-2506.

9.A.vi Where is lead found in the home?

Many homes built before 1978 have lead-based paint. In 1978 the federal government banned lead-based paint from housing. However, lead can still be found inside and outside of older houses and apartments, whether subsidized, public, or private.

Common sources of lead include:

- peeling, chipping, chalking or cracking lead based paint. Lead-based paint in a stable condition is usually not dangerous.
- areas that get a lot of wear and tear such as windows and windows sills, doors and door frames, stairs, railings, porches and fences (they may contain lead dust which is invisible to the naked eye, but still dangerous).
- soil (it may have paint flakes or deposits of leaded gasoline in it).
- water may contain lead from pipes. Boiling your water will NOT eliminate the lead.
- oil painted toys and furniture.
- some plastic blinds.
- food and liquids stored in lead crystal, or lead glazed pottery or porcelain, especially if cracked.
- if you work in lead-related industries, you can carry lead particles home on your clothing, shoes, hair or hands.

9.A.vii How can you get your home tested for lead?

There are two ways by which you can get your home tested for lead:

- A paint inspection, which tells you the lead content of every painted surface in your home; or
- A risk assessment, which tells you if there are serious sources of lead exposure, and what necessary steps you should take.

Home test kits are available, however, you should still have trained professionals do the inspection and assessment.

If you find any of the above lead-potential sources, and you suspect that your house has lead hazards, **schedule an inspection** with a health department certified inspector. Call the **Department of Health** at 1-800-942-7432 or TTY 401-222-2506 for a list of certified inspectors. If you are renting your home, tell your landlord about the problem right away. For more information about lead and renters' legal rights see section [9.B – Your Legal Rights](#).

9.A.viii How can I prevent lead poisoning?

- Avoid Lead Paint: Do not remove lead-based paint yourself, and do not stay in a house while work is being done on it. A trained professional, who is certified by the health department, **MUST** do the lead removal. After the lead is properly removed, the house should be cleaned with a high phosphate cleaner. Remember, if your home was built before 1978, chances are its paint contains more lead.
- Avoid Lead in Dust and Soil: Plant grass to reduce children's contact with soil, and plant bushes around lead-painted buildings to discourage children from playing where lead chips accumulate. When gardening, wear gloves and be sure to wash your hands when you are done. Clean or remove your shoes before entering your home.
- Keep Your Food and Water Safe: Run cold water from faucet for about one minute to get rid of any lead that might be in the pipes. Do not use hot water from the faucet while cooking or drinking because hot water may draw lead from the pipes. Call the **Department of Health**, at 1-800-942-7434, TTY 401-222-2506 to find out about **testing your water**. In addition, do not store food or drinks in leaded crystal or pottery. Avoid storing food in cans after they are opened, since the cans may contain lead.
- Avoid Lead in Hobbies and Crafts: Such materials often contain lead such as in pottery, home improvement items, car repair products, electronics, plumbing, etc. Wash clothes that came into contact with leaded materials separately.
- Eat Healthy: A healthy diet can help protect you from lead. Eat foods rich in iron, and calcium, and avoid fatty foods, which let your body absorb lead faster. Lead poisoned children may be eligible to receive free food.
- Clean Floors, Window Frames, Sills, and other surfaces frequently: Keep play areas clean. Wash bottles, pacifiers, and stuffed animals regularly. Good maintenance practices are also important to keep old lead-based paint intact.
- Wash your hands many times during the day, especially before eating or preparing food: Teach your children how to properly wash their hands, and to throw away food that has fallen on the floor.
- Educate your children about lead and its potential sources.

In addition to daily cleaning and maintaining a healthy diet, you can temporarily reduce lead hazards by taking "interim control actions" such as planting grass over soil or repairing damaged surfaces. However, these are not permanent solutions. To permanently remove lead, you must hire a lead abatement contractor. Elimination methods include removing, sealing, or enclosing lead based paint with special materials. Just painting over the hazard is not enough. Call the **RI Department of Health** for help with **locating qualified contractors** in your area and to see whether financial assistance is available.

9.A.ix What can be done if someone already has lead poisoning?

Except for severely poisoned children, there is no specific medical treatment. Treatment can reduce the levels of lead present in the body, but it will not completely eliminate it. Most of the lead absorbed into a child's brain remains there forever and its effects are irreversible. Treatment varies from change in food and prescribing iron supplements to hospitalization for the purpose of **chelation treatment** (medication) to lower lead blood levels.

9B YOUR LEGAL RIGHTS

9.B.i Rhode Island Lead Laws

There are lead laws to protect you and your family.

The laws say:

All children under 6 *must* have a blood test for lead poisoning every year. The exception to this is if your child has had 3 tests all come back with a low level and that level has been stable for 3 years. This, however, is your child's doctor's call. If your child's lead level is 10-15, you need to make sure to keep an eye on it and get it tested every year to watch for change. Your child is considered to be poisoned if his/her lead level is 15-19, and you need to seek treatment for your child. If the lead level is 20 or above, case management at the Department of Health takes over to see what is going on with your child and where the child is getting poisoned.

Call the **Department of Health** at 1-800-942-7432 for more information about **lead screening**. Your health insurance must pay for this test. If you do not have health insurance for your child, call **Rite Care** at 1-800-346-1004 (TTY: 1-800-745-5555) for help. There are two clinics available to parents to have their **children under age 6 tested for free** if they do not have insurance. **Hasbro Children's Hospital** is open only on Wednesdays from 9 am – 4 p.m. and you do not need an appointment to be tested. Call 1-401-444-5255. Please use RI Relay 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice). **St. Joseph's Hospital** requires an appointment in order for your child to be tested. They are open only on Wednesdays. Call 1-401-456-4310.

Every daycare must be tested for lead. Each site will be issued either a **Lead Safe Certificate** (the facility has a *low level* of lead, but *it is safe* for children) or a **Lead Free Certificate** (the facility has *no* level of lead). If the site gets a Lead Safe Certificate, then that site needs to be re-tested every year to renew the certificate. If the site gets a Lead Free Certificate, the site does not have to get re-tested again. If the daycare site receives their water from a well, then the water must be tested for the same certificates as well. Most kindergartens require that your child be tested for lead upon entering the class.

Only inspectors trained by the state can test for or remove lead from your home. For a **list of licensed contractors and inspectors**, call the **Office of Environmental Health Risk Assessment** at 401-222-3424 or TTY/Voice 401-222-2506. If there is **lead-based paint on the**

outside of your home, you can call the **RI Department of Environmental Management** at 401-277-2808, for TTY/Voice call 401-831-5508. .

You must follow state regulations when renovating or remodeling your home. For information on **how to renovate safely**, call the **Department of Health** at 1-800-942-7432 or TTY/Voice 401-222-2506. You can receive up to a **\$1000 tax credit** for removing lead from your home. Call the **Tax Administration** at 401-222-6262 or TTY 401-222-6287 for more information.

9.B.ii Laws for Rental Properties

If someone is renting their home, they are called a **tenant** and the person who owns the property is called a **landlord**. There are laws to protect both tenants and landlords.

If you are a tenant, it is your responsibility to:

- maintain all lead surfaces, and
- inform your landlord *as soon as you see* water damage or flaking paint.

It is illegal for your landlord to:

- evict (ask you to leave your home), harass or threaten you because you complained about a housing condition;
- use the fact that there is lead to discriminate against tenants or possible tenants with young children.
- force you to pay rent for a period of time when you cannot live in your apartment because work to remove lead is being done.

Your landlord must:

- make sure the property is safe to live in. If a child under the age of 6 lives in a lead-contaminated house, the owner may face criminal or civil charges.
- tell you about high lead levels within 5 days of when they find out.

If you are renting a new apartment or renewing a lease, the landlord must let you know about high lead levels *before* you sign a lease.

When Your Landlord Won't Respect Your Rights

It is your landlord's job to make all repairs to keep your apartment fit to live in. If you suspect or identify lead hazards, you should ask your landlord to fix the problem. If your landlord refuses to remedy the situation, there are several different ways to get the repair made. The first step is *always* to call the **RI Department of Health** at 401-222-2438 or TTY 401-222-2506 to place a complaint and schedule an on-site inspection. After you have done that, you have two choices: you can either **repair and deduct** or **withhold rent**. To repair and deduct means you have someone fix the problem and take the money out of your rent. To withhold rent means you stop paying rent until the problem is fixed. Things to know:

In order to repair and deduct:

- the cost of the repair must be less than \$125,
- *before* doing anything, you must tell your landlord *in writing* about the problem and give them 20 days to fix it, unless the problem is an immediate hazard,
- you must send a copy of the receipt with your next rent check, and
- you should keep copies of all your letters to and from your landlord and a copy of the receipt.

In order to withhold rent:

- it is very important you do not spend your rent money on other things. One way to make sure you don't spend the money is to buy money orders and holding them until the problem is fixed.
- The repair must cost more than \$125, and
- a certified inspector said there is a problem.

It is very important that you **file a complaint** with the **Department of Health** and get your home inspected before you either repair and deduct or withhold rent, so you do not get evicted. If you are **served with court papers**, contact an attorney, or **Rhode Island Legal Services, Inc.** at 1-800-662-5034 or TDD: 401-272-5335, or The **Sherwood Foundation** at 401-946-4500.

9.B.iii The Role of the State

After a certified inspector finds lead in your home, the Health Department will tell your landlord and give him/her a certain amount of time to fix the problem. If your landlord does not fix the problem within the amount of time, the state can:

- sue your landlord, and
- **condemn your home as an** unlivable unit.

It is illegal for your landlord to evict you for telling the state about lead in your home. If your landlord tries to evict you, contact an attorney right away. Make sure to give your attorney a copy of the inspection report. The inspection report will show the court that your landlord is trying to take away your legal rights.

9.B.iv For Additional Information Contact:

State Offices and Programs

Childhood Lead Action Project (*a statewide advocacy and support group for parents*):
401-785-1310, 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Rhode Island Health Department: Environmental Health and Risk Assessment 401 222-3424, TTY/Voice 401-222-2506

Family Health Information Line 1-800-942-7434, 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

RI Childhood Lead Poisoning Control Program 401 222-2312, TTY/Voice 401-222-2506

RI Housing (*for information on home repair and lead abatement loans*) 401-751-5566, 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

The Help Lead Safe Center (lead clinic, case management, parental education, etc.) 401-274-7779, 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

National Offices and Programs

Environmental Protection Agency (EPA) Safe Drinking Water Hotline 1-800-426-4791, 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Consumer Product Safety Commission Hotline 1-800-638-2772, 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

The National Lead Information Center 1-800-532-3394, 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

9C HOMELESSNESS

There are many reasons a person or family can become homeless. In Rhode Island, the major reason is too little affordable housing across the state, a problem that has worsened in recent years. A second major reason is domestic violence (see Chapter 12, Violence Against Women). Women and families with children are most likely to seek emergency shelter because their homes have become unsafe.

Common stereotypes about homeless people are often untrue. Some people have lost a job and can no longer afford to pay for housing. Others lose their home to fire, flood or other natural disasters. Some leave their home to find a safer place. Some cannot find or keep employment because of mental or physical health problems, or because of an addiction.

If you are homeless, help is available. There are many agencies in Rhode Island that can help you and your family find a place to stay. These **Homeless Assistance Agencies** provide many services, including shelter, food, counseling, and jobs skills programs. You can start by contacting one of the agencies listed below. They help people to become self-sufficient and to find safe, decent and affordable housing.

Crossroads is one of the largest homeless assistance agencies. They provide comprehensive crisis intervention, counseling, case management and advocacy services. Crossroads has a **24-hour HELPLINE** for information and referral (1-800-367-2700), runs several hotlines, and publishes comprehensive directories and resource books on services available in Rhode Island.

Shelters are located across the state (see the list following and for domestic violence shelters, see section [12.F – Domestic Violence Resources](#)). Also, the Rhode Island

Department of Human Services funds all Community Action Agencies to provide temporary emergency shelter programs for persons meeting income guidelines.

The Rhode Island Emergency Food and Shelter Board did a three-year study of homelessness. The *Policy Report and Recommendations: Serving Rhode Island's Homeless* (June 1993) gives helpful suggestions for developing programs to prevent homelessness and for emergency shelter, transitional support and permanent housing initiatives. It can be obtained from the **United Way of Southeastern New England**, 229 Waterman Street, Providence, RI 02906, tel. 401-521-9000.

9.C.i Resources for Homeless Persons

Crossroads

160 Broad Street
Providence, RI 02903
HELPLINE: 1.800.367.2700
Administrative office: 521-2255
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Crossroads provides information on all shelters and emergency assistance programs throughout the state.

Rhode Island Coalition for the Homeless

11 Aurora Street
Providence, RI 02908
401-421-6458
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Community Action Programs (CAP) - Emergency Housing & Food Assistance Programs

CAP EHAP programs help families going through a temporary housing crisis with rent or mortgage and security deposit assistance, and other services.

Blackstone Valley Community Action Program

32 Goff Avenue
Pawtucket, RI 02860
401-723-4520
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served: Central Falls, Cumberland, Lincoln & Pawtucket

Comprehensive Community Action, Inc

311 Doric Avenue
Cranston, RI 02910
401-467-9610
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served : Coventry, Cranston, Foster & Scituate

New Visions for Newport County

19 Broadway

Newport, RI 02840

401-847-7821

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served: Jamestown, Little Compton, Middletown, Newport, Portsmouth and Tiverton

Providence Community Action Program (PRO CAP)

518 Hartford Avenue

Providence, RI 02905

401-273-2000

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served: Providence

Self-Help, Inc.

100 Bullocks Point Avenue

East Providence, RI 02915

401-437-1000

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served: Bristol, Barrington, East Providence & Warren

South County Community Action

1080 Kingstown Road

Peace Dale, RI 02883

401-789-3016

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served: Charlestown, Exeter, Hopkinton, Narragansett, New Shoreham, North Kingstown, South Kingstown, Richmond, Westerly and West Greenwich

Tri-Town Community Action Agency

1126 Hartford Avenue

Johnston, RI 02919

401-351-2750

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served: Burrillville, Glocester, Johnston, North Providence, North Smithfield and Smithfield

Westbay Community Action

222 Buttonwoods Avenue

Warwick, RI 02886

401-732-4660
TDD: 401-738-8673

Area Served: East Greenwich, Warwick and West Warwick

Woonsocket Shelter Community Action Program

245 Main Street
Woonsocket, RI 02895
401-767-0866
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Area Served: Woonsocket

9D PUBLIC HOUSING

The Rhode Island Office of Housing and Urban Development (HUD) provides financing and other forms of assistance to local housing authorities, non-profit organizations and private homeowners, to allow them to provide rental housing at affordable rates. Properties can be for families, elderly, singles over 18 or assisted living developments. In subsidized public housing and Section 8 programs, tenants pay a percentage of their monthly income towards their rent, and HUD pays the landlord the rest of the rent. This allows you to pay a much lower rent, often about 30% of the usual rental rate.

To apply for public housing programs, you must meet certain requirements. The housing agency will screen you. Your income may not exceed 80% of the area median (the “middle” income for your community). Specific income guidelines for each community are posted at Housing Authority offices. A calculation will be made for the amount of rent you will pay, which is based on federal guidelines. The size of the housing unit you may qualify for is based on the size of your family.

If you meet the requirements, your name will be placed on a waiting list of people eligible for housing. You will be offered available housing.

You also may be eligible to move up on the priority list if you are homeless due to any of the following, so check to see if you can receive priority.

- You need housing due to fire, flood, government action or domestic abuse.
- You live in seriously substandard housing.
- You pay more than 50% of your income for rent and utilities.

It is important to know that if you refuse the housing offered, your name is placed at the bottom of the waiting list and if you were applying due to one of the three priority areas, you could lose this priority for one year. You must also meet usual requirements of landlords and owners, such as being able to pay rent on time and having good credit references.

9.D.i ELDERLY HOUSING

In subsidized elderly public housing, a person who is at least 50 years old may qualify for an elderly housing efficiency apartment. Anyone 62 years old or disabled/handicapped may be eligible for an efficiency, a 1 bedroom or a 2 bedroom apartment at an elderly high-rise. For more information and to apply for public housing please call your city or town's Public Housing Authority (see list below).

9.D.ii SECTION 8 HOUSING

Section 8 voucher programs can provide you with assistance to rent qualifying housing in the private housing market. Many multifamily houses and small apartment complexes participate in the Section 8 program. Check the local Housing Authorities for lists of Section 8 housing in areas you would like to live. The local Housing Authority will decide how much the rent should be for each private apartment. You will then pay part of your income as rent, and the Housing Authority will pay the homeowner the remaining rent. If your family rents the housing unit at or below the rental that the Housing Authority has set for that unit, you will pay only 30% of adjusted income in rent.

You can apply to more than one housing agency, because many that offer Section 8 housing keep separate lists. The more lists you can get your name on, the greater chance you have of finding housing. There are also many "homeless assistance agencies" that provide a range of services, including shelter, food, counseling, and jobs skills programs (see resource listing in the section on Homelessness).

There are other kinds of public housing programs, called "unsubsidized" housing programs, where you can obtain public housing at market rental rates. There are no eligibility restrictions for this kind of housing, other than being able to pay the rent.

9.D.iii WHAT TO DO IF YOU ARE DENIED HOUSING

If you are denied housing and you disagree with the Housing Authority's decision, write a letter to them asking for an "informal review". There will be clear directions for doing this on the denial notice you receive from them. It is important you follow these directions. There will be a time deadline for making the appeal, so do not delay. The Housing Authority should consider "extenuating circumstances" in making their decision. You can be denied housing for crimes related to drugs or violence. However, if you have a documented substance abuse disability and are not currently an illegal user and have been to treatment and are recovering, you should not be denied. If you owe money, you can offer to be put on a repayment plan (although the housing agency can still deny on this basis). For Section 8 housing, you can be denied for other reasons as well, including failure to give the agency documentation that it needs, prior eviction from public housing, prior damage to public housing, and other similar past difficulties.

9.D.iv Resources for Public Housing

Public Housing Authority

Most cities and towns have a Housing Authority that leases subsidized rentals. Many also provide Section 8 rental vouchers.

Bristol	253-4464	Newport	847-1169
Burrillville	568-6200	North Providence	728-0930
Central Falls	727-9090	Pawtucket	725-9113
Coventry	828-4367	Portsmouth	683-3173
Cranston	944-7210	Providence	751-6400
Cumberland	724-8590	Smithfield	949-0270
East Greenwich	885-2610	Peacedale	783-0126
East Providence	434-7645	Tiverton	624-4748
Jamestown	423-1561	Warren	245-7019
Johnston	231-2007	Warwick	463-7206
Lincoln	724-8910	West Warwick	822-9430
Narragansett	789-9489	Westerly	596-4918
		Woonsocket	767-8000

Rhode Island Housing and Mortgage Finance Corp. (RIHMFC)

44 Washington Street
Providence, RI 02903
401-751-5566
TTY 401-421-9799

RIHMFC also administers Section 8 voucher programs and state rental subsidized programs for RI communities that do not have a Public Housing Authority.

Providence Housing Authority

100 Broad Street
Providence, RI 02903
401-751-6400
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Rural Economic & Community Development (formerly called "FHA")

127 Social Street, Room 173
Woonsocket, RI 02895
401-521-1461
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Housing Network of Rhode Island

790 N. Main Street
Providence, RI 02908
401-457-1285
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice).

Statewide Housing Action Coalition (SHAC)

c/o Rhode Island Housing
44 Washington Street
Providence, RI 02903
401-751-5566
TTY 401-421-9799

9E LANDLORD AND TENANT LAWS

A **landlord** is some person or organization who owns a property; a **tenant** is someone who rents his/her home from someone else. The state makes laws to protect the rights of both tenants and landlords. In 1987, the Uniform Residential Landlord and Tenant Act became part of Rhode Island law.

This Act covers all rental agreements (both spoken and written) for buildings intended to be used as a home, residence, or sleeping place *except*:

- hotels
- motels
- hospitals
- residential treatment facilities
- dormitories
- halfway houses.

The following sections are about your rights as written in this Act.

9.E.i Evictions

An **eviction** is when your landlord asks or forces you to leave your home. *Your landlord cannot make you leave without a court order.* That means only a judge has the power to decide that you have to leave.

There are 4 kinds of evictions:

- nonpayment evictions
- evictions for breaches other than nonpayment
- termination of periodic tenancies, and
- expiration of fixed term leases.

9.E.i.a. Nonpayment Evictions

A **nonpayment eviction** is when your landlord wants to evict you for not paying your rent.

In order to evict you for nonpayment, your landlord must::

- wait 15 days past when your rent is due, and

- send you a five day demand notice asking for the amount of rent that is at least 15 days past due.

The notice *must* say:

- exactly how much money you owe, and can include only rent money (not late-fees, charges, or repair bills)
- that you can prevent the filing of an eviction case by paying the missing rent within 5 days of the mailing date of the notice.

This 5-day right to cure applies without exception. Even if you get a demand notice every month, you always have 5 days from the mailing date of the notice to pay up.

If you do not pay the missing rent within 5 days of when the notice was mailed, your landlord can file a complaint with the District Court. Eviction trials are always held 9 days after the complaint is filed (unless the 9th day is a weekend or holiday, in which case the trial will be held the next business day).

The steps for a nonpayment eviction case are:

- Your landlord must mail you a copy of the summons (with the trial date), the complaint (with a copy of the 5-day notice attached), and a blank answer form for your use *the same day he files a complaint*.
- A sheriff or constable must serve you in person with the same papers at least 5 days before the scheduled hearing date. If the sheriff or constable tries to serve you with papers in person but cannot, tacking service is allowed. This means that the papers are posted conspicuously on the door to your apartment.

The summons will tell you to appear in District Court on the assigned hearing date at 9:00 AM, and will tell you need to file a written answer with the clerk before or at the time of the hearing. *Even if your landlord says s/he isn't going to follow through with the case, you should always show up in court on the trial date to make sure that the case is really dismissed.*

When you get to court, check in with the clerk's office. If you waited to file your answer until the morning of the hearing, you should probably file it with the clerk or judge in the courtroom rather than in the clerk's office. If your landlord doesn't show up at court, ask for a dismissal at the earliest opportunity.

If you both show up, there are 3 options:

- Last minute cure. If you have not received a 5-day demand notice within the 6 months before the case was filed, you can stop the eviction case by paying: all rent due as of the court date (not just the amount listed in the notice), the court filing fee (\$60 in 1999), and the constable's service fee, which can run anywhere from \$25.00 on up. All of this money has to be given to the landlord at the time of the hearing, not later that day.
- File an answer and go forward with a trial.
- Reach a settlement. The most common kind of settlement is where you and your landlord agree on a payment schedule and the judge signs it. This means you confess to owing a certain amount of money, and agree to turn over your apartment if you don't pay it on time. If all of the listed payments are made when due, the case is dismissed, and you are off the hook. If a payment is missed, your landlord can ask for a court

eviction. There will be a hearing, but the only thing talked about will be whether you violated the settlement agreement. Another common kind is where you agree to move out by a certain day, and the landlord agrees to allow you to stay until that day. In this case, the day for leaving is set in stone and the landlord doesn't need a court to evict you after that.

9.E.i.a.1 Non-payment Eviction Defenses

Here is brief description of a few common non-payment eviction defenses (it would be a good idea to talk to a lawyer about your options if you receive an eviction notice):

Defective 5-day demand notice: possible defects are:

- your landlord sent a "five day demand notice" before your rent was 15 days late;
- the notice did not say exactly how much money you owed;
- the notice asked for money for things other than rent (like late fees or repair bills);
- neither your landlord or someone signing on his behalf signed the notice.

Tenant paid or tried to pay. If you can show that you paid the rent in question, the case will be dismissed. Bring any evidence you have (receipts, money order stubs, cancelled checks, etc.) with you to the hearing. If you offered to pay your rent but your landlord refused to take it, bring any proof you have as well as the rejected rent money to court with you.

Code violations/rent abatement. Sometimes people do not pay their rent because of problems with their apartment. If you did not pay your rent because of code violations or unsafe living conditions, bring any evidence you have (like an inspection report). The court can reduce or "abate" some or all of the rent your landlord is asking for if the court finds that there has been a failure to maintain or repair the premises

Other money damage claims. If your landlord illegally locked you out of the apartment or interrupted gas or electric service, heat, hot water, etc., you may be able to file a claim or counterclaim. This suit can be for any amount of money, either more or less than the rent you owe.

9.E.i.b. Eviction for Breaches Other than Nonpayment

When you sign a lease, you agree to follow certain rules. If you break those rules (for example, having a pet in an apartment where pets aren't allowed) your landlord may be able to evict you. Also, you can be evicted for doing anything that affects the health and safety of other tenants or the landlord. Finally, you can be evicted for damaging your apartment or disturbing the peace.

The process begins with the landlord sending the tenant (by regular mail) a notice of noncompliance. This notice must say exactly what you have done. In most cases, your landlord has to give you 20 days to fix (cure) the problem and not get evicted.

There are 3 cases when you do not have to be given a second chance:

- if your landlord gave you a notice of noncompliance and you break the same rule again within 6 months; or
- if you commit a crime of violence (murder, arson, rape, etc.) on or near the property, your landlord is not required to send any notice of noncompliance and you will not get a chance to cure the violation; or
- if you manufacture, sell, or deliver illegal drugs (or possess drugs with the intent to manufacture, sell, or deliver) on or near the property, you have no right to cure. Note, however, that simple possession of illegal drugs is a curable breach.

A notice of noncompliance must say exactly what you have to do to cure the problem (like get rid of your pet), and what day the rental agreement will terminate. If you fix the problem within 20 days, the landlord cannot evict you. If you do not fix the problem, the landlord may file an eviction action in District Court. Unlike with a nonpayment eviction, you must be served papers in person, and will have 20 days to answer them.

Some ways you can try to fight a noncompliance eviction are by :

- denying that the alleged breach occurred;
- admitting that the breach took place but claiming that it was adequately remedied within the 20-day cure period (bring proof of your cure);
- trying to get the case dismissed if your landlord continued to accept rent *after* learning of the breach and didn't say *in writing* that s/he still wanted the right to evict you.

9.E.i.c. Termination of Periodic Tenancies

There are 3 basic kinds of periodic tenancies in Rhode Island: week-to-week, month-to-month, and year-to-year. Week-to-week and month-to-month rentals offer very little security—month-to-months can be terminated with a 30 day written notice; week-to-week rentals only need a 10 day written notice. The notice does not need to say why the landlord wants you to leave, but must tell you the termination date and of your right to defend yourself at a court hearing. If you do not leave the property by the termination date, your landlord can file an eviction action the day after the termination date. A sheriff or constable must personally serve you with a summons, the complaint with a copy of the notice attached, and a blank answer form. You have 20 days from the date of service to file her answer.

There are some defenses you can use in court:

- Improper Termination Date: The law says the termination date for month-to-month rentals must be a rental due date at least 30 days after the notice date. If your rent is due on the 1st of the month, and your landlord gives you a termination notice on November 4, 1999, the earliest proper termination date will be January 1, 2000. If the landlord gives you an "improper" termination date, your case can be dismissed.
- Waiver and Reinstatement: If your landlord keeps taking rent from you after the termination date, you are automatically a tenant again. If you bring proof of this, your case should be dismissed.
- Retaliation: If think your landlord is trying to get back at you for complaining about code violations affecting health and safety (like lead in your home), or becoming a member of

a tenants union, tell the court. If retaliation is found to exist, you have a complete defense to the eviction and can also recover statutory damages and attorney's fees.

- Handicapped/Disabled Tenants: If you think you are being discriminated against because of your handicap, you should file a complaint with the **RI Human Rights Commission** (401-222-2661 or TTY/Voice 401-222-2264). Another good resource is the RI Disability Law Center at (401-831-3150 TDD- 401-831-5335), a federally funded organization specializing in the rights of the disabled.

9.E.i.d. Expiration of Fixed Term Leases

If you have a rental agreement (lease) for a certain period of time (like 1 year), and you don't leave the property after your lease runs out, your landlord can begin an eviction action. You will have 20 days from when the process is served to file an answer. As in termination cases, if your landlord continues to accept rent after the lease is over, you can use waiver and reinstatement as a defense against eviction.

9.E.ii Appealing an Eviction

Any landlord/tenant case can be appealed to the Superior Court after the District Court has made a decision. If you would like to file an appeal, you must do it within 5 days after the District Court judgment is entered. Saturdays, Sundays, and holidays *do* count as part of the five days, but if the 5th day is a Saturday, Sunday, or holiday the appeal must be filed on the next court date.

9.E.iii Illegal Evictions

If your landlord wants to evict you, s/he must go to court. There are no shortcuts, and you cannot be evicted without a court order. Your landlord cannot try to evict you by padlocking doors or shutting off heat, running water, gas, electricity, etc. You can call **Rhode Island Legal Services** for advice (401-274-2652 TDD 401-272-5335) if your landlord illegally locks you out or shuts off your utilities. You should also know that if your landlord wants to enter your apartment (and it isn't an emergency), he has to give you 48 hours notice.

Mobile Home Parks

The laws about mobile homes can be confusing because mobile homes owners often own their homes but rent the space (lot) where it is kept. If you are a mobile home owner who lives in a mobile home park, you have all the rights people renting apartments have, plus some extra protections.

For example:

- all mobile park residents must be offered a 1 year lease;
- that lease is automatically renewable unless (a Judge says you broke the rules of the lease);
- the lot owner cannot "just refuse" to renew your lease;
- if your landlord wants to evict you for non payment, s/he must give you 30 days notice;
- your landlord must give you 60 days notice for rent increases;

- you must have 45 days notice for any rule changes;
- you cannot be charged more if more people join your household;
- you have the right to sell your mobile home on its lot, and
- the lot owner cannot make you move your home if you sell it.

For more information and copies of the **mobile home laws**, you can contact the **Rhode Island Mobile Home Owners Association**, P.O. Box 386, Harrisville, RI 02830. Also, the **RI Department of Business Regulation (DBR)** is responsible to enforce state laws about mobile home parks. If you have a complaint, you can call the DBR at 401-222-2246, TDD 401-222-2223.

9F HOMEOWNERSHIP

This section will deal with two areas of homeownership. The first applies if you are thinking of owning your own home. The other area applies if you are already a homeowner. Owning your own home can provide stability and financial security for you and your family. If you are buying a home instead of renting a place to live, you are getting the chance to build equity, take advantage of tax benefits, and protect yourself against rent increases. Owning a home also qualifies you for tax breaks that can help you to deal with your new financial responsibilities – like insurance, real estate taxes, and upkeep. Many agencies provide information and assistance for people in order to help them buy their own home. Some agencies offer education classes, clubs, and landlord training programs in order to start you on the road to homeownership. You have the right to not be discriminated against when buying a home. **(Please see Chapter 3 for more information about Discrimination).**

9.F.i Where to Start on the Path to Homeownership

If you think you want to buy a home you should ask yourself the following questions:

- Do I have a steady source of income (usually a job)? Have I been employed on a regular basis for the last 2-3 years? Is my current income reliable?
- Do I have a good record on paying my bills?
- Do I have few outstanding long-term debts, like car payments?
- Do I have money saved for a down payment?
- Do I have the ability to pay a mortgage every month, plus additional costs?
- If you answered yes to these questions then you may be ready to buy your own home. There are many resources to help you.

9.F.ii Breaking Down the Barriers – Getting Your Own Home

Homeownership is important to community life and it is important to many people as the fulfillment of a life-long dream. Owning your own home provides economic security for you by creating personal assets.

Education is critical to the home buying process. It is important that you understand whomever you talk to about buying your own home. If you don't understand what that person is saying, ask him or her to repeat it or explain. There are many possible barriers to getting your own home. It can be difficult to choose a particular home and neighborhood. The process may be

intimidating but it is rewarding once you have your own home. It is important that professionals (such as realtors) you speak with you in a simple and straightforward manner. Do not be afraid to ask them explain the information again until you understand it.

The McAuley Institute publishes a helpful report called *Unlocking the Door – Keys to Women’s Housing, September 2000*. You can find information on their **Women and Homeownership** Initiative on the Internet at www.bhconline.org/mcauley. Helpful information is also available from the **Office of Housing and Urban Development (HUD)**. See section [9.F.iv – The Office of Housing and Urban Development](#) for more information. Contact HUD at the Rhode Island Office at 401-528-5230 (TDD: 401-528-5403) for resource booklets or for more information.

9.F.iii If You Already Own Your Home

Owning your own home is rewarding but it can bring challenges, too. Educating yourself is the best way to protect yourself. Educate yourself about home insurance, how to maintain and manage a home, and how to get a loan to help you rehabilitate your home.

One important challenge is retention or foreclosure prevention. Sometimes women may find themselves, due to separation, divorce, or hardship (medical, job loss, etc.), having difficulties paying the mortgage. Resources are available to help you! There are groups that provide debt and financial management as well as others that assist with helping to pay for the mortgage. The key to foreclosure prevention is action. The list of HUD approved counseling agencies is a good starting point to retaining your home. As soon as you feel as though your bills or finances are getting out-of-hand, it is important to contact a HUD approved counseling agency. See section [9.F.iv.b – HUD Approved Housing Counseling Agencies in Rhode Island](#) for more information.

Homeowners must be aware of TV, radio, and mail commercials that advertise a “new way” to refinance your home. This is known as predatory lending and it is an unfair credit practice that harms the homeowner. Predatory lenders aggressively market to homeowners, especially minority and low- and moderate-income households. Education is critical and homeowners should not rush to refinance or borrow against any equity in their home without receiving some counseling first.

Elder homeowners may be interested in using the equity in their home to pay medical bills, repair the home or improve their quality of life. The use of the equity in your home for elders can be done through a reverse mortgage. Unlike home equity loans, you don’t make monthly payments and do not repay the loan as long as you own and occupy the home. Reverse mortgages are also known as HECM (Home Equity Conversion Mortgage). Please contact a HUD approved counseling agency or call the Department of Elderly Affairs for more information.

9.F.iv The Office of Housing and Urban Development (HUD)

HUD offers an informational booklet for people thinking about buying their own home. This book will answer many questions you may have and give you advice on the path to homeownership. Please contact HUD at the Rhode Island Office at 401-528-5230 (TDD: 401-528-5403) for a copy of the booklet or for more information.

HUD plays a large role in homeownership by making loans available for lower and moderate-income families through its FHA mortgage insurance program and its HUD Homes

program. HUD owns homes in many communities throughout the U.S. and offers them for sale at lowered prices. HUD also seeks to protect you through education, Fair Housing Laws, and assistance in home improvement.

9.F.iv.a. Who may apply for an FHA-insured loan?

- Anyone who meets the credit requirement,
- Anyone who can afford the mortgage payments and cash investment, and
- Anyone who plans to use the mortgaged property as a primary residence.

If you want **more information** about HUD-approved housing and/or more information about obtaining a FHA-approved loan, call the counseling agency at 1-800-569-4287 or TDD: 1-800-877-8339 or go to **HUD's** website at <http://www.hud.gov>. To contact the Rhode Island HUD office, call: 401-528-5230 or TDD: 401-528-5403.

9.F.iv.b. HUD Approved Housing Counseling Agencies in Rhode Island

Blackstone Valley Community Action Programs, Inc.

32 Goff Avenue
Pawtucket, RI 02860-2928
401-723-4520
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Type of counseling: HECM Counseling, Default/Foreclosure Counseling, Rental Counseling, Pre-purchase Counseling.

Rhode Island Housing and Mortgage Finance Corporation

44 Washington Street
Providence, RI 02903
401-751-5566
TTY 401-421-9799

Type of counseling: HECM Counseling.

Rhode Island Department of Elderly Affairs

160 Pine Street
Providence, RI 02903
401-222-2858
TTY/Voice 401-222-2858

Type of Counseling: HECM Counseling, Rental Counseling.

Urban League of Rhode Island

246 Prairie Avenue
Providence, RI 02905
401-351-5000
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Type of counseling: HECM Counseling, Default/Foreclosure Counseling, Rental Counseling, Pre-purchase Counseling, Housing Information and Advocacy.

Consumer Credit Counseling Service

535 Centerville Rd, Suite 103,
Warwick, RI 02886
401-732-1800 or 1-800-781-2227
1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Type of counseling: Default/Foreclosure Counseling, Rental Counseling, Pre-purchase Counseling.

9.F.v Resources for Homeownership

Much of the information on homeownership and homelessness is from the HUD website <http://www.hud.gov/> and contained in HUD's *100 Questions and Answers About Buying a New Home*.

HUD's Office of Fair Housing

1-800-669-9777
Hearing Impaired 1-800-927-9275

Hotline for reporting discrimination

Rhode Island's HUD Office

401-528-5230
TDD: 401-528-5403

HUD's Counseling Agency

1-800-569-4287
TDD: 1-800-877-8339

Rhode Island Commission on Human Rights

180 Westminster Street, 3rd Floor
Providence, RI 02903
401-222-2661
TTY/Voice: 401-222-2664

Housing discrimination: concerning families with children, for racial, ethnic, or religious reasons, age or sex

Rhode Island Legal Services

56 Pine Street
Providence, RI 02903
401-274-2652 or 1-800-662-5034

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Housing Hotline

10B Collins Street, P.O. Box 3833

Newport, RI 02840

401-846-4896

1-888-722-1461 to register for Homebuyer education classes

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Housing information, Homebuyer education classes, problem solving, down payment/closing cost programs and advocacy assistance

International Institute of Rhode Island

645 Elmwood Avenue

Providence, RI 02907

401-461-5940

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Pawtucket Office: 13 Summer Street 401-722-5020 (Mondays only)

Housing guidance and counseling for immigrants

Homebuyer Education Center of Rhode Island

790 North Main Street

Providence, RI 02904 401-521-1461 or 1-888-722-1461

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

They have 14 locations across the state providing homebuyer and landlord education classes

Office of Homeownership for the State of Rhode Island Housing Resources Commission

41 Eddy Street

Providence, RI 02903

401-243-0056

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Joslin Community Development Corporation

231 Amherst Street

Providence, RI 02909

401-421-8062

1-800-745-5555 (TTY) or 1-800-745-6575 (Voice)

Housing information

McAuley Institute, Women and Homeownership Initiative

Website: www.bhconline.org/mcauley

This website has a lot of useful information specifically for women who are looking into buying their own home

CHAPTER 10 PUBLIC BENEFITS

Glossary:

Appeal: A written statement saying that you disagree with what an agency is doing.

Eligible: You qualify to receive a benefit. You may have to fill out an application to see if you are eligible for a benefit.

Lien: A legal claim on another's property, which must be paid off before the property can be sold.

Deductible: An amount of money that one has to pay before health insurance starts covering your medical expenses. (Call your health insurance company for more information about their particular deductibles.)

Department of Human Services: A state agency that provides public benefits. It is also called the "welfare office".

10A INTRODUCTION

The State and Federal Governments provide help and support to people in need like the elderly, people with disabilities, and people and families with low incomes. This support is in the form of food stamps, child care benefits, help paying for fuel and local telephone service, cash benefits and medical benefits, including help paying for prescriptions. The following section describes the different kinds of benefits available and who is eligible to receive them.

10B SOCIAL SECURITY

Workers can be eligible for (may receive) Social Security benefits when they retire or become permanently disabled. There are rules for how long (and how recently) you have to have worked to qualify for benefits.

How much you get from Social Security is based on how much you earned and how long you were employed. People who retire early (age 62-64) and apply for retirement benefits get less money per month than they would if they retired at age 65.

What happens to the family of a person who worked long enough to qualify and becomes disabled or dies?

His/her spouse or ex-spouse and dependent children should ask if they **might** qualify for Social Security benefits.

10.B.i Supplemental Security Income (SSI)

The Social Security office provides SSI cash benefits to low-income adults and children who are disabled, blind, or age 65 or older. (Substance abuse does not qualify as a disability.) You do not need to have a work history to be eligible for SSI.

People who receive SSI get a monthly check on the first of the month and also automatically receive **Medical Assistance (Medicaid)**. Some people who receive SSI also receive Social Security disability checks.

In 2004 in Rhode Island the most you can receive in SSI is \$621.35 per month. Your check might be up to \$20 higher if you also have other income.

Your check might be less if:

- you have other income; or,
- you are a child living with your parents, who have income; or
- you live with your spouse, who has income; or
- you live with others and don't pay the full share of the household expenses.

Some legal immigrants are eligible. See [Chapter 11 - Immigration](#) for more information.

10.B.ii What if you have money in the bank or own property?

There are resource limits (limits on how much you can have in the bank, what you can own, etc.) and income limits. You can own the home you live in and still be eligible for SSI.

10.B.iii To apply for Social Security and/or SSI

To apply for Social Security and/or SSI go to your local Social Security office or call 1-800-772-1213.

The office locations are:

- | | |
|--|--------------|
| • 380 Westminster Mall, Providence RI | 528-4501 |
| • 30 Quaker Lane, Warwick RI | 822-1463 |
| • 2168 Diamond Hill Road., Woonsocket RI | 766-8423 |
| • 130 Bellevue Ave., Newport | 849-3487 |
| • 55 Broad St., Pawtucket RI | 724-9611 |
| • 2 Shaws Cove, New London, CT | 860-443-8456 |

Please use **RI Relay** for all phone numbers without separate TTD/TTY phone numbers at 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice).

If you are denied SSI or your benefits are stopped or reduced, you have 60 days to appeal (usually you have to file in writing within 30 days of receiving the notice to keep benefits coming during the appeal).

10.B.iv How to file an appeal

The Social Security office has forms you can use to appeal, or you can call 1-800-772-1213 to have forms sent to you. You can bring your notice down to the Social Security Office (or call them) and say you want to appeal it. They will give you the right form. You can write

down why you think the notice you got is wrong, or you can just write down that you disagree. Make sure to sign the appeal form and mail it or give it to Social Security by the deadline date. It's better to file it in person and keep a copy as proof.

10C FAMILY INDEPENDENCE PROGRAM (FIP)

The **Family Independence Program (FIP)**, run by the **Department of Human Services** (also called the welfare office), provides cash benefits to:

- pregnant women (beginning in the 6th month of pregnancy)
- families (both single parent and two-parent) with children under age 18.
- families with a child age 18 who will graduate from high school before age 19.
- children who live with relatives other than their parents
- relatives caring for children (if they are financially eligible).

The FIP program used to be called AFDC.

Eligibility depends on how much you earn and how much money, bank account, and other valuable property you own. You can own the home you live in and still be eligible.

Many working parents are eligible because DHS doesn't count all the earnings. All parents must sign an employment plan and cooperate with DHS' work, training and education requirements. The parents, and eventually, the whole family, can lose benefits if the parent does not cooperate.

There is a 5-year limit for adults to receive FIP. However, an adult can get FIP benefits for more than 5 years in cases of special hardship or domestic violence. There is no time limit for children.

In cases of domestic violence, working may be a safety issue. However, you need to identify yourself as a domestic violence victim when meeting with DHS.

Teenage mothers who are not married must live with an adult family member (unless that is harmful) or in a supervised home, must be in school/GED and must participate with Local Teen Program.

Parents must cooperate with DHS and the child support agency by providing all known information about the child(ren)'s absent parent. Failure to cooperate without good cause will result in lower FIP benefits.

There are special eligibility rules for legal residents and other immigrants.

FIP benefits are paid through **electronic benefit transfer (E.B.T.)**. This is a debit card system. The card can be used at local ATM machines or stores that accept debit cards.

Applications are made at a DHS office. You can apply for **FIP, Medical Assistance/Rite Care and Food Stamps** in just one application. The application process can take up to 30 days.

If you are denied FIP benefits, or if your benefits are stopped or reduced, you have the **right to appeal in writing**. You have **30 days** to appeal from the date of the notice. If you are on benefits, you must appeal within **10 days** if you want the benefits to continue while you wait for your appeal to be heard.

10.C.i To Apply For FIP Benefits

To apply for FIP benefits, go to a DHS office:

- | | |
|---|----------|
| • 600 New London Avenue, Cranston, RI 02920 | 462-6500 |
| • 1514 Atwood Avenue, Johnston, RI 02919 | 222-5666 |
| • 110 Enterprise Center, Middletown, RI 02842 | 849-6000 |
| • 7734 Post Road, North Kingstown, RI 02852 | 884-7250 |
| • 24 Commerce Street, Pawtucket, RI 02860 | 728-2000 |
| • 206 Elmwood Avenue, Providence, RI 02907 | 222-7000 |
| • 150 Buttonwoods Avenue, Warwick, RI 02886 | 736-6511 |
| • 10 Canal Street, Westerly, RI 02891 | 596-2081 |
| • 450 Clinton Street, Woonsocket, RI 02895 | 235-6300 |

Please use **RI Relay** for all phone numbers without separate TTD/TTY phone numbers at 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice).

NOTE

Even though your family may not qualify for FIP benefits, your family may still be eligible for food stamps, Medical Assistance, Rite Care or other programs. **(See other sections in this chapter).**

10.C.ii Child Support for FIP/Welfare Clients

You must help **DHS** and **Child Support Enforcement (CSE)** obtain a child support order for your children.

There are some exceptions to this rule:

- If your children were conceived from rape or incest, DHS/CSE may not have to pursue the case.
- If giving information about the absent parent may put you or your children in danger of physical, emotional or sexual abuse, DHS/CSE may not have to pursue the case.

If you do not want child support collected because of abuse, you can contact the Family Violence Options Program at the Women's resource Center at 847-2533. They can help you document your case and make sure you get services you need. You can also talk your caseworker at DHS, who can have an advocate onsite immediately to help you.

10.C.ii.a. Child Support Enforcement

It is important to understand the process when deciding whether or not to pursue child support.

Child Support is enforced by:

- the court establishing that the absent parent should be paying child support
- the state enforcing this court order.

If because of domestic violence, giving information about an absent parent could put you or your children in danger, you may not want to go through this process. In cases of domestic abuse, please call the numbers listed below for help. If you think you have good cause for not cooperating with child support, you need to report that to DHS or the child support agency.

10.C.ii.b. Establishing Child Support or Paternity

- The absent parent will be served court papers at home or at work.
- You may be notified before these papers are served.
- You may be asked to testify at court in the presence of the absent parent.
- You may be asked to sign documents, provide documents or be asked to answer written questions (called "**interrogatories**").
- The absent parent may be ordered to have blood/DNA testing done to establish that he is the child's parent.
- The absent parent may be ordered to pay child support by taking money out of his/her check.

10.C.ii.c. Enforcement

If the absent parent is behind in his/her payments, the child support order may be enforced by:

- Suspending his/her driver's license
- Credit bureau reporting
- Taking his/her tax refund
- Taking his/her lottery winnings
- Liens on real estate or personal property
- Incarceration (going to jail)

10.C.ii.d. Issues of Violence and Abuse

If you are concerned about domestic violence or sexual assault, you can call Rhode Island's Help line at 1-800-494-8100. *This hotline is confidential and is not a part of DHS or Child Support Enforcement.*

Child abuse and elder abuse must be reported because of state law. To report suspected abuse, contact the **Child Abuse Hotline** at 1-800-662-5100 or the **Department of Elderly Affairs** at 1-800-322-2880 or 401-462-0555, TTY/Voice 462-4000.

10D CHILDCARE

The **Department of Human Services** will pay for childcare in daycare centers, daycare homes, and in-home or relative care. In-home and relative care providers must pass a **DCYF** and criminal check. Children are eligible from age 1 week to age 16 (or up to 19 if disabled).

Families eligible for childcare services are:

- FIP families in which the parent is working (over 20 hours per week) or in approved training or education program
- Two-parent FIP families in which one parent is employed and the other parent can't take care of the child due to a disability
- FIP parents under age 20 enrolled in high school or GED program
- Low-income working families (there is a sliding scale and co-payment)
- Families with a disabled child or parent, where the family needs temporary daycare services (up to 6 months).

To apply for the **low-income working family daycare program**, call 401-222-7133. Other childcare applications are made at the DHS offices. See the list of DHS offices after the FIP section above.

10E EARNED INCOME TAX CREDIT (EITC)

The Earned Income Tax Credit (EITC) is a special federal tax credit for certain people who work. The credit reduces the amount of income tax you owe (if any) and may entitle you to a refund. It is based on the number of children you have living with you and the amount of your earnings. You may also qualify for a limited EITC if you do not have a child, and you may be eligible even if you have not worked during the entire year.

If you qualify for the EITC you may be able to receive a portion of the credit in each of your paychecks throughout the year, which will increase your take-home pay. This advance payment of the EITC may be obtained by filing a **Form W-5** with your employer. To be eligible for advance payment of the EITC, you must qualify for the EITC and have a qualifying child. A new, updated W-5 form must be filed with your employer each year if you think you are eligible for an advance credit.

You, your spouse and your children must have social security numbers to get the EITC. For more information, you may call the **IRS** at 1-800-829-3676 to get a free copy of **IRS publication 596, EIC**. The publication will give details on qualifying for the EITC.

10F FOOD STAMPS

The Food Stamp Program helps low-income people and families to buy food items. It is run by the **Department of Human Services**.

Benefits are available to:

- low-income people and families
- disabled people
- elderly people or couples
- unemployed people without minor children are only eligible 3 months in a 36-month period.

Income, assets and shelter expenses (rent/mortgage and utilities) determined food stamp eligibility. There are no longer any paper food stamp coupons. Food stamps are paid by

electronic benefit transfer (E.B.T.). This is a debit card system. The cards can be used at any food store that accepts debit cards.

Individuals getting other benefits from the welfare department (**FIP** and **GMED**) receive their stamps from their DHS office. Others get stamps from one of the 5 state food stamp offices in Middletown, Providence, Pawtucket, Warwick or Woonsocket.

There are special eligibility rules for legal residents and other immigrants see section [11.D – Rights of Battered Women and Children](#) for more information.

You may have to wait up to 30 days to get stamps. People in an emergency situation, with little or no income, can get stamps within 7 days. They need to request emergency assistance when they apply. (**Note:** Make sure to bring your documents or ways to prove this is an emergency.) If you need to get food right away, call the **Crossroads Help Line** at 1-800-367-2700 to find a food pantry in your area.

If you are denied food stamps or if your food stamps are stopped or reduced, you have the right to appeal that decision. You have **90 days** to appeal. However, you must appeal within the first **10 days** if you are receiving benefits and want them to continue while you wait for your hearing.

10.F.i To Apply For Food Stamps

To apply for Food Stamps, go to your local Food Stamp Office:

- | | |
|---|----------|
| • 110 Enterprise Center, Middletown, RI 02842 | 849-6000 |
| • 24 Commerce Street, Pawtucket, RI 02860 | 724-9361 |
| • 206 Elmwood Avenue, Providence, RI 02907 | 222-7000 |
| • 150 Buttonwoods Avenue, Warwick, RI 02889 | 736-6511 |
| • 450 Clinton Street, Woonsocket, RI 02895 | 235-6300 |

Please use **RI Relay** for all phone numbers without separate TTD/TTY phone numbers at 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice).

10G WIC

WIC is a **food program** for low-income pregnant women, breast-feeding mothers, mothers who recently gave birth, and children under 5. **WIC** is run by the **Department of Health**.

WIC provides coupons for food and for juice, milk, and baby formula to women and children who might not otherwise get enough vitamins and nutrients in their diet. WIC coupons can be used at local markets and farmer's markets.

You can apply for WIC at your **neighborhood health center** or call 1-800-942-7434 to find out the nearest place to apply.

Please use **RI Relay** for all phone numbers without separate TTD/TTY phone numbers at 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice).

10H MEDICAL ASSISTANCE (MA)

Medical Assistance is the **Department of Human Services'** health care program for low-income people.

You may be eligible for Medical Assistance if you are:

- elderly (65+) persons
- blind persons
- persons with permanent disabilities, including those receiving SSI or Social Security disability
- pregnant women
- children and their families
- all FIP recipients

MA covers hospitals, clinics, medications, doctors visits, some dental, lab work, home health care, ambulance, eye care, nursing homes, and durable medical equipment.

The Medical Assistance **Rlte Care Program** covers pregnant women, children (up to the age of 19) and their families. The elderly and people with disabilities can get their medical care by going to any doctor they choose who accept MA; not all doctors do. People on SSI are automatically enrolled in MA.

There are special eligibility rules for legal residents and other immigrants. See [Chapter 11 –Immigration](#) for more information.

Decisions on eligibility for Medical Assistance take longer for people who are disabled but not receiving SSI or SSDI.

Medical Assistance denials or terminations can be appealed. You have 30 days from the date on the notice to *appeal in writing* any decision (10 days to keep benefits coming while you appeal).

Apply at a DHS office. See section [10.C.i – To Apply for FIP Benefits](#) for a list of locations.

10.H.i Rlte CARE

Health coverage is available to low-income pregnant women, families and children through the **Rlte Care Program**. Rlte Care pays for doctor's visits, prescriptions, mental health services, hospital care, dental care and many other health care services. Rlte Care members are enrolled in one of three health plans: Neighborhood Health Plan, United Health, or Blue Cross (Blue Chip).

Who is eligible for Rlte Care?

- pregnant women (regardless of immigration status)
- children up to age 19 (including all immigrant and undocumented children)
- low income parents of minor children
- all FIP families are automatically enrolled
- families who lose FIP benefits because of increased wages stay on Rlte Care for 18 months
- families who lose FIP benefits because of increased child support payments stay on Rlte Care for 4 months.

Many children and families who are ineligible for FIP cash benefits because their income or assets are too high **are** eligible for Rlte Care. A Rlte Care family can have more income than a FIP family and there is NO limit on assets (money in the bank, etc.)

The application process is a simple one which can be done by mail. There is NO requirement to go to the DHS office to apply. For a **Rlte Care application** please call 462-5300 or 462-3363 (TTY).

If you have a problem with your Rlte Care benefits, you can file an appeal with the **Department of Human Services** or with your Rlte Care health plan (i.e. Neighborhood, United, Blue Chip), or with both DHS and the health plan.

10.H.ii Rlte Share

Rlte Share is a program, which helps low income families pay for the health coverage offered by their employers. For eligible families, RlteShare pays the employee's share of the health insurance premium. It also covers all co-pays. In addition, it covers extra services which are not part of the company's insurance plan, but are allowed by Medical Assistance, such as eye care, dental care, and interpreter services.

Eligibility for Rite Share is the same as for Rlte Care: pregnant women, children up to age 19, and low-income parents of minor children are eligible. The income guidelines, application process, and appeal rights are the same as Rlte Care.

10.H.iii Medicare

Medicare provides medical coverage for people who receive **Social Security checks** and who are either age 65 or older or have been receiving **Social Security disability checks** for 2 years.

- **Medicare Part A** covers inpatient hospital stays and skilled nursing care needed after a hospital stay.
- **Medicare Part B** covers things like doctor visits; some laboratory, x-ray, and screening tests; durable medical equipment, dialysis, physical therapy and other services.

Beginning in 2006, Medicare will provide some prescription coverage. In the meantime, Medicare recipients who are on MA may apply for a drug discount card through Medicare. Low-

income Medicare recipients may be eligible for \$600 a year temporary assistance toward card drug purchases. There are deductibles and co-payments.

In 2004 the monthly cost for Part B coverage is \$66.60. If you're on SSI, the state should be paying this premium. Even if you're not on SSI, there are ways to get Medicare expenses paid for. Call your local DHS office. See section [10.C.i – To Apply for FIP Benefits](#) for a list of offices.
For information on **Medicare**, call your local **Social Security office** or 1-800-772-1213.

10.H.iv RIPAE

RIPAE is a state program that helps people age 65 and older pay for prescription medicine. Not all medications are covered, but RIPAE pays 60% of the cost of medicine needed for particular chronic conditions:

- high blood pressure
- heart conditions
- Parkinson's Disease
- Glaucoma
- diabetes (including syringes and insulin)
- high cholesterol
- cancer
- asthma
- incontinence
- depression
- respiratory problems, and
- circulatory problems

RIPAE can cover prescription vitamins and minerals for renal patients. There are income limits. To apply, call **Department of Elderly Affairs**, 462-3000, TTY/Voice 462-4000 for the center nearest you.

10.H.v RIAID

RIAID is the state's **AIDS Drug Assistance Program**, run by the **Department of Health**. It pays for certain medications needed to treat HIV infection and AIDS-related illnesses. Medications *not* covered are:

- pain medication
- antidepressants
- medication to treat mental illnesses.

To be eligible, you must be HIV+ (documented by a physician), meet income guidelines, and have no health insurance that would pay for the medicine. Apply through your doctor, or call the RI Department of Health at 222-7548.

10.H.vi **G-MED (General Public Assistance)**

G-MED provides limited medical coverage for people who can't work because of physical or mental problems (including substance abuse) which have lasted or will last 30 days or more.

The G-med program usually pays for doctor visits and certain prescription medications. If you are hospitalized in R.I. and are eligible for G-med, the hospital must provide inpatient care for free.

People who are eligible for G-med can apply for **hardship money**: up to \$200 per month in cash benefits. There are no appeal rights if you get denied hardship money. Apply at the **DHS** office in Providence, Warwick, Pawtucket, or Woonsocket. See section [10.C.i – To Apply for FIP Benefits](#) for the list of offices.

If you are denied or you get a notice your benefits are terminated, you must file your appeal *in writing* at DHS within 10 days of the date on the notice. If you want benefits to continue during your appeal, you have to specifically ask for that on your appeal form.

10I **FUEL ASSISTANCE**

If you need money to pay for heating, you can apply for the fuel assistance program (sometimes called "**LIHEAP**"). **LIHEAP** helps low-income people pay for heating their homes. You don't need to own your own home to be eligible and renters are eligible. Households with income up to 150% of the federal poverty level are eligible.

The amount of the benefit depends on your income and whether heat is included in your rent or not. Apply in the fall, or after the first of the year. You need to reapply every year. Apply at your local **Community Action Program (CAP)**, or if elderly, apply at the **Department of Elderly Affairs** in Cranston, 462-3000. For a list of CAP agencies, please click [here](#).

10J **LIFELINE**

Lifeline helps you keep phone service by reducing your monthly bill by a set amount each month. To be eligible, someone in your household must receive **SSI, FIP (welfare), G-Med, Medical Assistance (Medicaid)**, or **fuel assistance**.

There is also a program called **Lifeline Reconnect**, for people who are eligible for Lifeline but don't have a phone. It helps people whose phone has been shut off because of non-payment get their line turned back on, and provides discounted local calling service (but no long distance service). To apply, you have to fill out an eligibility letter. You can get a letter by calling 1-888-347-3322 or 462-5300, TTY- 462-3363

10K IMMIGRANT ELIGIBILITY

Josie just came to Rhode Island. She and her children are staying with her aunt. Her child is ill. She calls the Department of Human Services and learns about RIte CARE. Through RIte CARE, her child is seen by a doctor and gets the medication he needs to recover.

People from other countries may be eligible for help. There are rules in each program limiting which immigrants are eligible. The rules are different for each program and they can be hard to understand. To find out about what programs an immigrant can be eligible for, contact **Rhode Island Legal Services, Inc.** at 274-2652 or toll-free at 1-800-662-5034.

For information on services and on how receipt of benefits might affect future applications for citizenship or for other information issues, contact:

International Institute: 461-5940

Jewish Family Services: 331-1244

Progreso Latino: 728-5920

Project Hope: 728-0515

Immigration and Refugee Services of the Diocese of Providence: 421-7833

Please use **RI Relay** for all phone numbers without separate TTD/TTY phone numbers at 1-800-745-5555 (TTY) or 1-800-745-6575 (Voice).

10L HOW TO FILE AN APPEAL FOR ALL DEPARTMENT OF HUMAN SERVICES (DHS) PROGRAMS:

Use the form that comes with your notice from DHS (if you do not receive one or need another, just call the DHS office and ask them for an appeal form). Appeals have to be in writing. It is not good enough just to tell your DHS worker that you want a hearing. Write down why you want a hearing, or just write that you disagree. Sign the form. Mail it or give it to your DHS worker.

10M OTHER RESOURCES

Rhode Island Legal Services, Inc.
56 Pine Street
Providence, RI 02903
401-274-2652 or 1-800-662-5034

50 Washington Square
Newport, RI 02840
401-846-2264 or 1-800-637-4529

Rhode Island Legal Services provides free legal help to low-income individuals.

DARE - Direct Action for Rights and Equality

340 Lockwood Street
Providence, RI 02909
401-351-6960

DARE organizes around issues of concern to low-income community residents.

Parents for Progress

807 Broad Street
Providence, RI 02907
401-780-6840

Parents for Progress organizes around issues affecting low-income parents.

CHAPTER 11 IMMIGRATION

NOTE: The agency known as the “Immigration and Naturalization Service” (INS), no longer exists. Most of the service functions of the old INS are now the responsibility of the new entity, **Citizenship and Immigration Services (CIS)**. The enforcement activities have been given to the new agency, **Immigration Control and Enforcement (ICE)**.

Glossary:

Alien: A person who is not a national or a citizen of the United States.

Deportation: The removal of any alien from the United States.

Green-card: A green card is evidence of status as a lawful permanent resident (LPR). LPR status allows an alien to live and work permanently in the United States.

Lawful Permanent Residents (LPR), Legal Residence: Immigrants living in the U.S. legally, who were issued alien registration cards. These cards are commonly called green cards, but they are not green in color.

Illegal Residence: The act of staying here in the United States without a green card or a visa. If a person illegally staying here is caught, s/he could be arrested and sent back to their previous country.

Continuous Residence: The act of living in a given place for some time.

Naturalization: The process by which an LPR applies for and becomes a U.S. citizen.

Status: The type of permission the alien has from the government to be in the U.S. Examples of types of status are LPR, Refugee, Temporary Protected status, U.S. Citizen.

Undocumented Immigrants: A person present in the U.S. without permission of the U.S. government. Undocumented immigrants enter the country either illegally, without being inspected by an immigration officer, or by using false documents. Other undocumented immigrants may at one time have entered the U.S. legally with a temporary visa but have since remained in the U.S. beyond the expiration of their visa.

Visa: A visa allows you to come to a port of entry and apply for admission into the U.S. Possession of a visa does not guarantee that you will be allowed to enter. Visas are issued for many different purposes and you must have the right type of visa for that particular visit. Visas are only issued as entry documents and do not control the length of your stay after entry.

Good Faith Marriage: A marriage based on love and respect without the intent to seek a green card or permanent residence through the marriage.

11A INTRODUCTION

To become a U.S. citizen can take a long time, but the result is rewarding. There are many forms to file and requirements to meet before an immigrant becomes naturalized. This section will explain some of the terms and requirements that must take place in order for an immigrant to maintain his/her legal status. However, immigration laws are constantly changing, so it is advised that if you have concerns or need legal advice, you should call an attorney experienced with immigration issues.

11B IMMIGRANTS AND MARRIAGE

11.B.i U.S. Citizen and Immigrant Spouse

If you are an immigrant married to a U.S. citizen for less than 2 years at the time your application for **permanent residency** is approved, you will only be granted **conditional permanent residence status**. This conditional status is the same as full permanent residence status except that it expires after 2 years.

During the last 3 months of the 2-year period, both spouses must file and sign a joint petition that states their marriage was entered into for reasons of love rather than for immigration purposes. Documentation that supports this statement will be required. Supporting documents may consist of any of the following: joint tax returns, bank statements, utility bills, insurance policies, deeds to real property in both spouses names, birth certificates of children born during the two years of conditional residence and other evidence that would prove both spouses have a financial stake in the marriage.

The law requires that the marriage be a **bona fide marriage**. This means:

- The marriage was entered into under the laws of the government where the marriage took place
- The marriage has not been ended, unless one spouse has died
- The marriage was not entered into to allow one spouse to gain entry into the U.S.
- The alien spouse has not paid any fees for the signing of the joint petition other than to an attorney for assistance
- If the marriage occurs outside the U.S., the foreign-born spouse must remain in the other country until s/he obtains a **green-card**

If your spouse refuses to sign the joint petition, you must get a waiver.

There are 3 reasons that allow you to get a waiver:

- Extreme hardship would result if you were deported. This hardship must be a direct result of circumstances stemming from the period of conditional permanent resident status.
- During the marriage, which you entered in good faith, you or your dependent were battered or treated with extreme cruelty by your spouse.
- You entered into your marriage in good faith but it ended by divorce or annulment.

NOTE: In the case of a simple divorce before you are naturalized, you will have to wait 5 years before obtaining citizenship.

The exception allowing for application with only three years as an LPR is very limited:

- The applicant has to have been an LPR for 3 year.
- The applicant's spouse has to have been a citizen for 3 years.
- The applicant must show with documents that s/he has been living as man and wife with their citizen spouse for 3 years.

11.B.ii Grounds for Deportation

All aliens, whether immigrants or non-immigrants, can be deported after entering the U.S.

Some of the reasons for deportation include but are not limited to:

- Entering the U.S. without going through an inspection
- Violating the terms of your visa
- Marriage fraud
- Most drug convictions
- All firearms offenses and many weapons offenses
- Using fraudulent immigration documents.

It is important to learn about an immigration law passed in 1996 that changed the law for immigrants living in the United States. Under this new law, legal permanent residents convicted of many types of criminal offenses – even many non-violent offenses, and even if the offenses happened many years ago - may be held and then deported from the country.

There is some relief available to you under the new law.

Immigrants may seek cancellation of removal under two provisions:

- If you are facing deportation on criminal grounds and you were lawfully admitted as a permanent resident 5 or more years ago and you have resided in the United States for more than 7 years continuously, then you may apply for cancellation of removal **if you have not been convicted of an aggravated felony.**
- If you are facing deportation and you have been physically present in the United States for at least the last 10 years continuously, have been of good moral character, have not been convicted of a criminal offense, and have a qualifying relative (a parent, spouse, or unmarried child under 21 who is a citizen or legal permanent resident), you may seek cancellation of removal. Cancellation depends on your ability to prove that your removal would cause *exceptional and extremely unusual hardship to your qualifying relative.*

These laws are very complex and it is important for you to understand them. It is helpful to seek legal assistance. Please contact one of the resources in section [11.G - Resources](#) for help in understanding deportation laws or seeking legal assistance.

11.B.iii Applying for Citizenship

To be eligible to apply for U.S. citizenship, you must have the following:

- The general rule states that you must live in the U.S. legally for 5 years.
EXCEPTION: You may qualify after 3 years if: the applicant has been an LPR for 3 year, whose spouse has been a citizen for 3 years, and they show with documents that they have been living as man and wife for 3 years.
- The person applying must be 18 years of age or older.
EXCEPTION: children under 18 may automatically become citizens when the following conditions are fulfilled:

- The parent naturalizes
 - The child is living in the U.S. in the legal and physical custody of the naturalizing/naturalized parent pursuant to a lawful admission as a permanent resident.
- You need to have continuous residence in the US for the past 5 years or 3 years if you married a US citizen.
NOTE: If you left the U.S. for more than 6 months, you need to prove that you intended to return.
- When applying for citizenship you must have “**good moral character**”. For naturalization purposes, you may be found to lack “good moral character” if you have:
 - been arrested by the police, or
 - brought people illegally to the US, or
 - not paid taxes, or
 - not financially supported all your children.**NOTE:** These are just a few of the most common examples why you might be found to not be of good moral character. There are lots of other reasons too.
- You must have basic knowledge of written and spoken English. During the naturalization interview, you will be required to speak, read and write English.
EXCEPTION: You can have a translator present at the interview **or** the interview can be conducted in your own language, if one of these 2 exceptions apply to you:
 - You are over 50 years old AND you have been a legal resident for 20 years.
 - You are over 55 years old AND you have been a legal resident for 15 years.
- You must have general knowledge of US history and government. You can be tested for this part of the process by answering a few questions during the interview or by taking a standardized test in English before your interview. The interview is based on 105 questions that are provided to you in advance.
EXCEPTION: If you are 65 years old AND you have been in the U.S. for 20 years, you only have to study 25 questions from which you must answer 6 correct.
- If you are physically or developmentally disabled, or mentally impaired you may not have to take this test.

The application fee is \$320.00 plus a mandatory \$70 fingerprinting fee, for a total of **\$390**. Applicants over the age of 75 do not have to be finger printed, so they pay only **\$320**.

Completed applications with two photos, a copy of your residence card (front and back) and money order can be mailed to:

U.S.C.I.S
Attn: N-400 Unit
75 Lower Welden Street
St. Albans, VT 05479-0001

11C ADOPTED CHILDREN

An adopted child does not become a citizen of the U.S. automatically through adoption by citizen parents.

11D RIGHTS OF BATTERED WOMEN AND CHILDREN

If you are an immigrant and you are being battered, there are laws to help protect you. Please see section [12.A.xii – Domestic Violence and Immigration Status](#) for more information. Much of the information below is from a publication of the **RI Coalition Against Domestic Violence**. The Coalition, listed in the Resource section, can help if you are being abused.

Part of a federal law called the **Violence Against Women Act (VAWA)** helps immigrant victims of domestic violence who are seeking legal status ***if they are or were married to their abusers*** and are seeking legal residency through their relationship with the abuser. You can also use this law if the person you are seeking legal residency through is abusing your child. The abuse does not have to be physical, it can be severe mental or emotional abuse as well. If you qualify under VAWA, your children may be included in your application even if they are not being abused.

The **VAWA laws** can help if you are just starting the application process, or have already received conditional residency status, or if you are in the process of being removed (the new name for being deported). If you are approved for legal residency, you will have the status you would have received if you had applied for legal residency with the assistance of your husband. See section [11.B.i - U.S. Citizen and Immigrant Spouse](#) for more information.

If your spouse who has battered you is a permanent resident alien or a U.S. citizen, you or your child may have your deportation suspended if you have resided continuously in the U.S. for a period of 3 years. You do not have to be married to or living with the abusing partner at the time you apply for legal residency or when the waiver is signed. However, you must show evidence that you or your children has been abused, and show actions you have taken to try to protect yourself.

You will need to collect items like:

- a copy of the abuser's birth certificate or his legal residency (green card) number;
- your marriage certificate;
- letters, pictures and other materials that show that yours was a **good faith** marriage (that you did not marry just to get into the U.S.); and
- evidence of abuse like police reports, restraining orders, court records and hospital or doctor reports.

If you are claiming extreme mental cruelty, an evaluation by a psychologist, psychiatrist, or social worker is required. You must also show that extreme hardship would result if you were deported.

The hardship factors include, but are not limited to:

- your age,
- the number of children you have,
- if you have an illness that cannot be treated properly in your native country, or,
- if harm would result to you due to the psychological impact of deportation.

For victims of domestic violence, the following 2 factors are the most important:

- The nature and extent of the physical and psychological effects of the battering or extreme cruelty.
- The loss of access to the U.S. courts and criminal justice system including the ability to obtain and enforce orders of protection, criminal investigations and prosecutions, family law proceedings and court orders regarding child support, maintenance, child custody, and visitation rights.

Immigration law is very complex. It is important to be represented by an attorney when seeking legal residency. However, because the law is complex, some immigration attorneys are unfamiliar with **VAWA laws** related to domestic violence and immigration. If your attorney does not mention this option to you, be sure to suggest it. Because of some of the requirements of the **VAWA law**, it might not be the best way for you to apply for legal residency, but it certainly should be considered before ruling it out.

11E RIGHTS OF WIDOWS AND WIDOWERS OF U.S. CITIZENS

If you are a widow of a U.S. citizen, you may petition for permanent resident status within 2 years of your husband's death if:

- In the case of widow self-petition, the deceased spouse had been a U.S. citizen for two years
- At the time of his death you were not legally separated or divorced.
- You have not remarried.
- You and your spouse had been married for at least 2 years.

Your unmarried children under the age of 21 years can also be included.

11F SURVIVING SPOUSE OF A U.S. CITIZEN SERVICE MEMBER

If your spouse is a citizen of the U.S. and dies during honorable and active service in the U.S. Armed Forces and you were living as a married couple with this spouse when they died, you may become a citizen of the U.S.

You must meet all the usual requirements except:

- The application does not have to be filed where you live but may be filed in any service office.

- You may be naturalized without having been physically present in the United States for any particular length of time after being lawfully admitted for permanent residence.

11G RESOURCES

Feinstein Citizenship Center

International Institute of RI
645 Elmwood Avenue
Providence, RI 02907
401-461-5940

This Center offers citizenship classes and any other legal advice you need during your naturalization process

Immigration and Naturalization Services

Automatic phone numbers

1-800-375-5283
Boston 617-222-3088

*For deportation issues at the Providence office: 401-528-5532
Address of Providence INS office: 200 Dyer Street, Providence RI 02903*

The Genesis Center

620 Potters Avenue
Providence, RI 0290
401-781-6110

This Center provides many programs for adults - night classes, ESL, and citizenship classes.

Coalition Against Domestic Violence

Helpline: 1-800-494-8100

This organization provides referrals for help for domestic violence and sexual assault.

(Some of the information in this chapter was taken from a publication of the Coalition Against Domestic Violence.)

CHAPTER 12 VIOLENCE AGAINST WOMEN

Glossary:

Intimate Partner: A current or past spouse, boyfriend or girlfriend, or someone you have dated.

Protective Orders: A type of protection that you may request from a court, that orders your abuser to stay away. There are several different kinds of protective orders described in this chapter that come from different courts, and the names can sometimes be confusing. All are designed to help the person being abused.

Custody provision in protective order: Protective orders from Family Court can increase your safety by also giving you temporary custody of your children.

Full-faith & credit: Laws that insure that a protective order obtained in another state or country is honored in Rhode Island.

Violence against women is the number one public health issue women face in the United States. Violence against women includes **domestic violence**, **sexual violence** and **stalking**. Victims of sexual violence, domestic violence and stalking are mostly women, and therefore this chapter addresses the victim as if s/he were female. However, laws about these types of assaults are to protect victims in any type of abusive relationship whether it is a female being abused by a male, female being abused by a female, a male being abused by a female or a male being abused by a male. Each of these types of violence is defined below.

12A DOMESTIC VIOLENCE

In **domestic violence**, someone is harmed or threatened by a member of her family, household, or someone she has dated. Domestic violence is used to have power and control over a partner. The violence can take many forms. It can be actual physical harm, attempted physical harm (even if the attempt was not successful), emotional harm, threat of harm, or putting you in fear of harm. The physical harm can include forcing you to have any type of sexual relations that you do not want. It can happen all the time or once in a while. About 25% of women, whether they are in heterosexual or same sex relationships, will experience domestic violence in their lives.

People often do not understand that:

- **Domestic violence happens often.** A National Institute of Justice study estimated 840,000 women were assaulted or raped by an intimate partner in 1996 in the United States.
- **Domestic violence includes many behaviors.** From name-calling and put-downs, to isolating a woman from her family and friends, taking her money to keep her financially dependent, harming her pets or possessions, threatening to harm her or her children, raping her, physically assaulting her, and finally, to murdering her.
- **The injuries are often serious.** Studies show that between 22% - 35% of women visiting a hospital emergency room are there from domestic violence.
- **Women die from domestic violence.** In 1998, 33% of women who were murdered were killed by an intimate partner (Only 4% of men are murdered by an intimate partner).

There is no excuse for violence against women. No one deserves to be abused.

12.A.i Violence against women is a crime

In 1988, Rhode Island passed its first ***Domestic Violence Prevention Act***. This law views domestic violence as a serious crime against society. It gives victims of domestic violence some protections from future abuse.

Women of every race, economic class, age, culture, religion and sexuality are victims of violence. Rhode Island domestic violence law is written to apply to **all relationships**, including same sex relationships.

If you are in an abusive situation, it can be very difficult to leave:

- You may not have the money or other resources to go out on your own.
- You may be afraid of losing your children if you go to a shelter.

It is important to understand why domestic violence should **never** be tolerated:

- No one deserves to be abused.
- No one has the right to abuse another person.
- Your children may be traumatized (frightened) by the violence they witness:
 - Your sons may be learning that is how you treat a woman.
 - Your daughters may be learning to accept abuse as normal or expected in a relationship.

In this chapter, we use the term ***victim of domestic violence*** because that is the term used in the law. A more empowering term is ***survivor of violence***. By seeking your rights, by using the protections and services available to you and becoming an advocate for yourself and your family, we hope you can come to see yourself not as a victim, but as a survivor.

12.A.ii Protection and Safety

There are many resources available to a woman seeking safety. You can get protection from the courts. A network of service agencies, the **RI Coalition Against Domestic Violence**, can link you to shelters, hotlines and groups for survivors of domestic violence and sexual assault. They can tell you how to set up safety plans to protect yourselves and your children. Safety plans are discussed in more detail below. The statewide **Help-line Victims of Crime number is 1-800-494-8100**.

The first step to take when violence occurs is to **call the police**. Rhode Island has a **mandatory arrest law**. The police **must** arrest your abuser at the scene if they have reason to believe domestic violence has taken place. You do NOT need a witness to the abuse – you are the victim-witness. Police also do not need to see injuries in order to arrest – they can arrest if they can see other evidence that a crime was committed. If an arrest cannot be made, you still have the right to file a criminal complaint with the police, and to request a restraining order.

The police also must tell you of your rights. They should inform you of what protective orders are available to you and help you get them if necessary. If you need medical attention, the police can arrange this, and can arrange for transportation to the hospital. The police should offer you assistance in finding a shelter, if you need it, as well as finding other social services. Two pamphlets with helpful information are available through police stations. One is a *Notice of Domestic Violence Victim's Rights* and another is a *Safety Plan*. Every police officer that responds or investigates a domestic violence or sexual assault incident must complete a domestic violence/sexual assault report, whether or not there was an arrest.

For more information on helpful resources including domestic violence agencies and services, please see section [2.I – Legal Assistance Resources](#).

12.A.iii Legal Protections

There are several different protections you can get against your abuser from the courts:

- Criminal Courts can issue a **No Contact Order**.
- The Civil Courts (Family Court and District Court) issue the other orders, known as **Orders for Protection From Abuse** and **Restraining Orders**.

For more information about the Court System, please see sections [2.B – Where Do Trials and Hearings Take Place?](#) and [2.C – What Happens When a Case Goes to Court?](#) for more information.

You should not bring your children to court with you unless the judge has told you to bring them. Testimony in Court can be graphic and upsetting to your children. Having to watch them may also prevent you from giving your full attention to your case. There is day care available in the mornings at the Providence Family Court for children over 18 months of age, but it is better to arrange your own day care if possible.

For more information about restraining orders, no contact orders, or other types of protections you can seek through the court, please contact the **Garrahy Courthouse Restraining Order Office** at 401-458-3372.

12.A.iv Criminal Court Protection

12.A.iv.a. No Contact Orders

If criminal charges are filed against the abuser, the Criminal Court can order the abuser to have no contact with you. Once there is a **no contact order** in place, your abuser cannot call you, send you letters, come to your house or come to your workplace. They also cannot ask someone else (called a **third person contact**) to call you for them or to try to persuade you to drop the protective order.

A no contact order remains in effect as long as the criminal charges are pending. If your abuser is convicted, a no contact order may be made a condition of the sentence. (Check to make sure this is being done). If it is, the order will remain in effect until the abuser completes

his/her sentence. It is important to remember that the no contact order ends when the abuser's sentence is completed.

You do **not** need your own attorney to obtain a no contact order. The state's attorney, known as the prosecutor, will ask for a no contact order on your behalf.

If your abuser violates a no contact order, call the police. The abuser should be arrested.

12.A.v Civil Protections

There are three civil (non-criminal) remedies that a woman may request:

- Judgment for Protection from Abuse
- District Court Restraining Orders, and
- Superior Court Restraining Orders

12.A.v.a. Judgment for Protection from Abuse

The most powerful civil protection for a woman in Rhode Island is obtained through a Family Court **Judgment for Protection from Abuse**. If your spouse, former spouse, the other parent of your child, your own parent, your stepparent, your stepchild or other relative abuses you, you may apply to the Family Court for protection. You may also apply for a **Family Court Protective Order** for your minor child if she/he is in a dating relationship that is abusive (or has been in the dating relationship within the last six months). If you are an adult in an abusive dating relationship, please see the section on **District Court Restraining Orders**. You must complete an application that can be obtained from the Family Court clerk and attach an **affidavit** (a sworn written statement) describing the abuse or threat in detail. Advocates are available at or near each courthouse in Rhode Island to help with this.

The completed application is presented to a judge, who reviews it immediately. If the judge feels there is a danger of immediate harm to you, s/he she will sign an **ex parte restraining order**. This orders the abuser to stay away from you. It may also order the abuser to remain away from your children if they are in danger of harm, give you exclusive use of your home and/or temporary custody of your children.

After this order is signed, you will be given a copy of the order and a date to return to court for a hearing. This order is **temporary** – meaning it remains in effect for up to 21 days until the court hearing. A copy is sent to the sheriff to be served on your abuser.

It is important to know that if you do not attend the court hearing, the temporary court order of protection will end.

On the court date you may be able to get a restraining order without having an attorney if your abuser does not come or comes without an attorney. If you want an attorney, or the abuser has an attorney, you may be able to get one at no cost to you through one of the nonprofit legal agencies listed at the end of this section. What must be presented to the judge are facts, which prove that your abuser harmed you, or that you were in fear of harm. You

should bring any witnesses of the abuse to court with you. You may also want to bring a friend for support.

If the judge decides that there is reason to get a restraining order, a judgment may be granted for any length of time up to 3 years. The judge will order the abuser to remain away from you. The judge can award you custody, will set up visitation for the abuser, and can order the abuser to pay child support for 90 days. The judge can also award you exclusive use of your home. ***If your abuser has any type of guns, tell the judge.*** It is a federal crime to own, possess, or transport guns, if there is a protective order against someone.

12.A.v.b. District Court Restraining Orders

If you are being abused in a dating relationship and/or by a same sex partner, you can file for a restraining order in District Court. This is because you cannot get a **Family Court Protective Order** against anyone to whom you are not married unless you have had children together or are related by blood or marriage. You also cannot obtain a Family Court Protective Order against a same sex partner unless you have adopted children together.

This order is nearly the same as a **Family Court Judgment for Protection from Abuse**, except that it does not include custody, visitation and support because no children are involved. The process of obtaining the order is the same as in Family Court. The only difference is that you obtain the forms from the District Court clerk and go before a District Court judge instead of a Family Court judge.

12.A.v.c. Superior Court Restraining Orders

There is a third type of restraining order, from the Superior Court. This order can be obtained against anyone who is placing you in fear. However, these orders are of limited usefulness. The police will not arrest someone for violating a Superior Court restraining order. They are only enforceable by returning to the Superior Court and filing a motion for contempt. You also have to pay the filing and service fees unless the Judge finds that you are indigent.

12.A.vi 24-Hour Emergency Restraining Orders.

If you have an emergency situation where you are being abused or are in fear of being abused when the courts are not in session, you may be able to get a **temporary emergency restraining order** against your abuser by calling your local police department. Police have 24-Hour access to Family Court judges who can grant an emergency order of protection if you qualify (depending on your relationship to your abuser). An emergency restraining order does not have to be served to the defendant in order to be effective. The defendant will be subject to arrest if it is violated.

If you get a temporary emergency restraining order, you will need to go to court on the next business day to formalize it (to make the restraining order good for 21 days). If you do not go to court the next business day, the temporary restraining order will no longer be effective. If you have any questions about emergency restraining orders, call a domestic violence shelter and advocacy program listed below.

12.A.vii Foreign Protective Orders / Full-Faith & Credit

A woman who has received any type of protective order and is from any state in the United States, any federally recognized Native American tribe, territory or possession of the United States, the Commonwealth of Puerto Rico or the District of Columbia, and then comes to Rhode Island, can also be protected. A protective order obtained abroad or from another state is called a **Foreign Protective Order (FPO)**. Rhode Island police are required to enforce FPOs as if they were a Rhode Island protective order.

You must show a certified copy of your FPO to police if you are asking for them to enforce it.

12.A.viii Violations of Protective Orders

The police in the area where you live are sent a copy of the protective order. There is a statewide data system known as **RONCO** where information on all protective orders is kept, so police will be able to have access to this information.

If your abuser violates the protective order, they can be arrested and charged with a criminal offense. The **first offense** is a **misdemeanor**. If convicted, the abuser may be placed on probation, sent to jail or fined. The abuser may also be ordered to attend a certified batterer's intervention program. The maximum penalty for a first offense is up to a year in jail and a fine of up to \$1000.00, but most offenders are given probation for the first offense.

If there is a **second violation** and conviction, the penalty will be a mandatory 10-day but not more than 1-year jail sentence. If there is a **third conviction**, the crime becomes a **felony** and the abuser could go to jail for from 1 to 10 years.

12.A.ix Safety Plans

Having a protective order in place is intended to make the abuser think twice about harassing or attacking you. However, at one level, a protective order is no more and no less than a piece of paper. No court order can or should substitute for everyday safety precautions that a survivor of abuse can take for protection. Domestic violence advocates recommend that you develop a personalized safety plan to your self.

This **safety plan** is a way to keep yourself safe every day. The idea is not that you should live in fear, but rather that there are simple steps you can take to make yourself less vulnerable to the abuser, whether or not a court order has been issued. The court orders described above can be a valuable tool in providing protection from abuse.

Other things that you might want to make part of your safety plan are:

- Make an **escape plan** to put in effect should you think your abuser is headed for a violent confrontation.
- Put cash and spare car and house keys in a safe place so that you can leave quickly even if the abuser takes or hides your keys and purse.
- Give copies of important papers, such as your children's' birth certificates and health records, to a friend you trust in case you have to leave suddenly.

- Practice your escape plan with your children when the abuser isn't around.
- Tell friends and family a code word or phrase you will use to alert them that you need help.
- Teach your children how to dial 911.
- Become familiar with the number for the **Victims of Crime Hotline** (1-800-494-8100) and the listings at the end of this section. Calls to the hotline are toll-free and strictly confidential. They are also blocked from the *69 callback option, so the abuser cannot find out what number you called. The hotline provides someone to talk to and is also a link to the many services available to survivors of abuse.

If your abuser physically harms you, seek medical attention. Even if you are not ready to make a police report, a doctor's visit will create a record of your injuries. If you can, tell your doctor exactly what happened to cause your injuries. The doctor can provide better treatment if you are specific about what the abuser did to hurt you. You do not have to identify your abuser by name in order to describe how you were hurt. Your doctor will not call the police, unless you want him/her to. Remember that the doctor's testimony, if you tell him/her the truth about how you were hurt, can help you protect yourself by being proof that you need a no contact order or a restraining order.

If possible, consider attending a support group made up of other women who have survived domestic violence. Other survivors can provide emotional support and also practical advice about how to keep safe and/or get away from an abuser, based on their experience. Call the hotline number to get information about where a support group is held in your area.

If the abuser has an order granting visitation with the children, consider exchanging the children at a public place, such as a store or restaurant, rather than allowing the abuser to come to your home to pick them up.

Consider asking a friend or relative to be present when the abuser comes to pick up or drop off the children, or arrange for the pick up and drop off to take place at someone else's house, so that the abuser has no opportunity to confront you at these times.

If you have a protective order from the court, report any violations to the police immediately, including any notes or phone calls you receive from the abuser. **Do not fear that you are overreacting.** It is better to report any contact made by the abuser immediately, before it has a chance to escalate. This includes so-called **third party contact** where the abuser may ask someone else to call you to deliver a message or try to persuade you to drop the protective order.

12.A.x Children and Domestic Violence

If you are in an abusive relationship and have children, you may be concerned about the effect that witnessing the abuse may have on the children. You may also suspect or be aware that your children are suffering from abuse directly.

If you believe your child is being physically, sexually, or emotionally abused, or threatened with abuse by your abuser or any other family member, you must report the abuse to the **Department of Children, Youth and Families**. This agency, known as **DCYF**, is in charge of investigating child abuse in Rhode Island. See sections [4.D.xi – Department of Children,](#)

[Youth and Families \(DCYF\): Children Under the Care of the State](#) and [2.I.xi - Child Victims](#) for more information. You may also seek a **Family Court Protective Order** on behalf of your child. This can be a separate application or part of your own application for protection.

The Department of Children Youth and Families (DCYF) does not have to be involved in every case where a parent seeks a restraining order on behalf of a child. However, if you believe your child has been abused, you have an obligation to call DCYF. If there are allegations of child abuse, a judge will usually ask if DCYF has been called. If not, the judge will probably call DCYF himself or herself.

At the hearing on a restraining order sought for your child, you need to tell the judge about any physical harm that the abuser has caused your child. You also need to describe any danger in which the abuser has placed the child. The judge will also consider any report that has been made by DCYF. In some cases the judge will want to speak with the child privately. If the judge decides the child has been abused or placed in danger by the abuser, s/he will grant the protective order.

In many cases you are probably concerned about the abuse your child has seen (witnessed). You may also be concerned about your partner's drinking or drug use, which can endanger the children if they are alone with your abuser. If these are your concerns you can ask the judge to put certain conditions on any visits.

For example, if drug abuse is your concern, you can ask for drug screens of your abuser. If you do, the court will have both of you tested. You can ask that the abuser be ordered to attend counseling. You can ask that the abuser be required to post a cash bond to guarantee your children's safe return. You can also ask that the abuser be prohibited from removing them from the state of Rhode Island.

12.A.x.a. Visitation

Even if you obtain a protective order for your child, the abusive parent will probably still be entitled to **visitation**. This is because all parents have a legal right to play a role in raising their children, unless their parental rights have been terminated in a court of law. These **parental rights** are a fundamental right under the law. *This means that the courts must order some form of visitation in nearly all cases, even where it has been determined that the parent has abused the child.* Recent changes in the law provide that visitation may be conditional on your abuser attending a batterers' treatment program or obtaining counseling.

To protect you, the judge will usually order that arrangement for visitation is made through a third party. That way you will not have to be in direct contact with your abuser. The other person, who can be a friend or a relative, makes any necessary telephone calls and waits for the visiting parent to pick up and drop off the children.

If you feel comfortable having limited contact with your abuser, a method commonly used is for the parents to meet at a public place at the beginning and end each visit. The exchange might take place at a local restaurant or in front of the police station. Older children sometimes simply leave the house on their own and walk down the sidewalk to the other parent's waiting car.

12.A.x.b. Supervised Visitation

If the judge determines that the child has been abused or would not be safe with the other parent, **supervised visitation** will probably be ordered.

There are two types of supervised visitation:

- Private supervision
- Court supervised visitation.

Private supervision means that a person such as a friend or a family member must be present during the visit. If this is what you want, it is a good idea to bring the person you want to be the supervisor with you to court. The visit may occur in any one of a number of places, such as the abuser's home, the supervisor's home or a neutral place.

Court supervised visitation is more formal. It takes place at the courthouse and is supervised by professional staff from the **Family Court Investigative Unit**. The Court orders this type of supervision only in the most serious cases. It can only be ordered for a set period of time, and usually will last for only two or three months.

12.A.xi Frequently Asked Questions (FAQs)

Do I have a right to remain in my home?

If you are on the lease or an owner of your home, you have the right to remain there. If you cannot afford to remain in the premises you shared with your abuser, you may have to find a new apartment.

If you qualify for subsidized housing, and are a victim of domestic abuse, your name should go to the top of the waiting list. Call **HUD Public Housing** at 401-529-5370 or **Housing Management** at 401-528-5096. Also, local **Community Action Programs** have a **temporary housing assistance program** for emergencies such as losing your home because of domestic violence.

The only situation in which you have no right to remain in your home is if you are not married and are seeking a **District Court Protective Order**. If only your partner's name is on the lease, or s/he is the sole owner of the property, the court cannot award you exclusive possession of the home. You may not be required to leave, but your abuser can stay there.

Can I seek help from the Department of Human Services (DHS)?

Welfare, formerly known as **Aid for Dependent Children (AFDC)**, is now called **Family Independence Program (FIP)**. FIP has certain time limits. If you are a victim of domestic violence, you may be entitled to special help. You may also be able to receive assistance for a longer time period. If you apply for FIP, food stamps, or Medicaid, it is important to let your DHS caseworker know that you are a survivor of domestic violence.

What happens if I leave Rhode Island?

You do not have to get a new protective order if you leave Rhode Island. The Federal law makes judgments for protection from abuse valid in every state known as **Full Faith & Credit**. Be sure to keep a copy of your protective order with you if you leave Rhode Island. However, if moving will interfere with the other parent's visitation rights, you will have to get the court's permission before leaving.

What if I am being abused in a same-sex relationship?

Many people think that relationships between women are less violent than relationships between men and women. This is not true. Domestic violence occurs in same-sex relationships just as it does in heterosexual relationships.

Many victims of same sex domestic violence feel like they have nowhere to turn. They are afraid that they cannot go to battered women's shelters or get legal help. However, many Rhode Island laws apply whether your partner is a man or a woman, and you *can* get a **District Court Restraining Order** against a same-sex partner (see that section for information). You can also get information about where to go if you need to leave your home or how to get help by calling the **Victims of Crime Helpline** (1-800-494-8100) and telling them about the abuse.

Other resources include the following:

- **Sojourner House** has a special program same sex domestic violence victims. Call their hotlines for more information: Providence 401-658-4334 or 401-861-6191 and Northern RI 401-765-3232.
- **The Network for Battered Lesbians and Bisexual Women / La Red para Lesbianas y Mujeres Bisexuales Maltratadas** is a Boston based organization offering crisis counseling, placement in safe houses, and both survivors and batterer's groups. Their office number is 617-695-0877 and the **Hotline/Línea de Crisis** number is 617-423-SAFE.

How can I register to vote, without letting my abuser find out where I am living?

Rhode Island law protects the voting rights of domestic violence victims with a protective order who need to keep your voting address hidden; this can be arranged through the Office of the Secretary of State (401-222-2357).

12.A.xii Domestic Violence and Immigration Status

If you are not a citizen of the United States, you still should be able to leave an abusive partner. Some of the rules about immigration change if the applicant is a victim of domestic abuse, for example rules about how long you must be married to a citizen. Please see [Chapter 11- Immigration](#) for resources that may assist you.

12B SEXUAL VIOLENCE

Someone you know – a date, an acquaintance or a family member - most often commits sexual violence. Nationally, less than 20% of rape cases are committed by a stranger. Rape can be a part of a pattern of domestic violence. Since 1987, Rhode Island law has made it a crime for a husband to rape his wife.

Sexual violence includes the crimes of assault commonly known as **rape, attempted rape, child molestation**, and **incest**. Under Rhode Island Law, it is defined as any unwanted sexual contact, which is achieved by force or **coercion** (threats or manipulation).

That means that the person who has sexually assaulted you:

- used or threatened to use a weapon against you, or
- used physical force or the threat of physical force against you, or
- made threats to kill or seriously harm you or another person, or
- made threats to kidnap you or another person.

Sexual harassment is a type of sexual assault where different kinds of threats are being made (economic, interpersonal or psychological). For more information, please see section [3.D – Sexual Harassment](#).

Sexual assault can happen to anyone, regardless of age, gender, race or income. A 1998 national survey found that 1 in 6 women (17%) had been raped or had someone try to rape them at some time in their life.

Rape is often not reported to police. It is estimated that two-thirds of all rapes are not reported to police. In part, this is because **most sexual assaults are committed by someone you know**. It is a common myth that sexual assaults are done by strangers at night. According to the FBI, 80% of sexual assaults are by someone you know, 50% occur in the home, and as many occur in the day as in the night. Most often, it is an acquaintance, friend, date, spouse or other relative who commits a sexual assault.

Rape is a crime of violence. It is a way for someone to control, hurt and humiliate you.

There are many myths about rape:

- It is *not* about sex. Rape is about controlling and dominating another person.
- It is *not* because of an uncontrollable sexual urge. Studies of offenders show they plan their assaults ahead of time and that many are married.
- It is *not* about race. Most sexual assaults involve people of the same race.
- It is *not* about the clothes that women wear or whether they are attractive or not. Women of all ages and appearances are raped.
- Women's behavior does *not* make men rape. Studies of convicted rapists show they choose victims they think are vulnerable (in a weak position) in some way.
- It is *not* only women who are raped. National surveys find rape or attempted rape happens to 3% of men at some time in their lives.
- Women do *not* lie about rape. False accusations of rape are no higher than for any other major crime.

It is important to hold the person who has done the assault responsible for their crime.
No one has the right to sexually assault another person.

12.B.i Frequently Asked Questions (FAQs)

What is the law on sexual assault?

In Rhode Island, sexual assault includes three **degrees** of offense:

- **First degree sexual assault** is any sexual penetration of the vagina, anus or mouth by any part of another person's body or an object, when it is forced or coerced, or with a mentally incapacitated, mentally disabled or physically helpless victim, or if the victim is being medically treated or examined and the contact is for the purpose of sexual arousal. The **penalty** under the law is imprisonment for from 10 years to life.
- **Second degree sexual assault** is contact with a person's genital area, inner thigh, buttocks or the breast of a female, when it is forced or coerced, or with a mentally incapacitated, mentally disabled or physically helpless victim, or if the victim is being medically treated or examined and the contact is for the purpose of sexual arousal. The **penalty** under the law is imprisonment for from 3 to 15 years.
- **Third degree sexual assault** is consensual sexual activity with anyone over 14 but under 16 years of age. It does not matter if the victim agrees to the sexual activity, because they are under the age of consent. The **penalty** under the law is imprisonment for not more than 5 years.

What can you do to be less at risk for sexual assault?

Studies of convicted rapists tell us that they target victims who seem vulnerable (or weak) in some way. Remember that rape is a common part of domestic violence and batterers often similarly choose victims they think they can control in a relationship.

Some tips to increase your personal safety include:

- Learn "street smarts" – walk confidently and quickly, keep to lighted areas where there are other people around, know where you are going and how to get there.
- Don't go to isolated places with a date unless you are sure you can trust your date.
- Keep doors and windows of your home and car locked.
- Teach children about what to do if someone approaches them.
- Ask service and delivery persons for identification.
- If you are in a violent relationship, develop a safety plan and seek help.
- Be aware that assaults, including rape, can happen to anyone at any time, anywhere. Be observant and alert.
- Know your environment. If you need help, where would you go? Who would be available? What would give you an advantage if you were assaulted?
- Trust your instincts. If a situation makes you uncomfortable there is probably a reason.
- Know your own physical abilities.

What should you do if you are sexually assaulted?

People who are raped often have feelings of terror, shame, guilt and anger afterwards. If they are married or dating, their own relationship is threatened as their partner may not know how to deal with their own feelings about the rape, much less understand how to best help the victim.

If you are sexually assaulted, you should:

- Go somewhere that is safe.
- Call the **Victims of Crime Helpline** (1-800-494-8100). An advocate can accompany you to the hospital for a sexual assault exam (also called a rape kit).
- It is best not to wash, shower, douche or clean up in any way before going to the hospital. (However, the exam can still be done, up to 72 hours from the time of the assault, even if you have taken some of these actions.)
- The clothing you were wearing at the time of the assault will be taken as part of the collected evidence. It is best not to change your clothing after the assault before coming to the hospital. If you have changed, bring the clothing you were wearing with you. You will need another set of clothing to wear when you leave the hospital.
- Go to a Hospital Emergency Room. Seek medical treatment to assess possible injuries, exposure to disease, and to have medical evidence collected with a forensic exam. Medical evidence can be collected at any hospital emergency department in Rhode Island. Medical evidence must be collected within 72 hours of the assault. The hospital will not charge you for the collection of medical evidence. If you have insurance, your insurance company will be billed. If you do not have health insurance that you can use, the hospital will bill the RI Department of Health. (You may be asked to pay for related prescription medicine and treatment of other injuries.) All evidence collected during the examination is sent to the RI Department of Health for analysis.
- Call the police and make a report (It is not necessary to involve the police before having medical evidence collected.)
- Check on victim compensation. See section [2.I. vii – Criminal Injuries Compensation](#) for more information.

What can you expect if you make a criminal charge in court?

The crime should be reported to the police department in the city or town where the crime occurred. If you are unsure of which city or town you were in, if you were assaulted in more than one city or town, or if you are reluctant to work with the police in that city or town, you may make your report to the Rhode Island State Police.

While procedures may vary from one police department to another, in most departments you will first give a brief description of what has occurred to a patrol officer. Later you will be asked to give a detailed statement to a detective or investigating officer. You will either write out the statement yourself or the detective will have your statement typed. You will be asked to review and sign your statement. If you have trouble reading or writing English, be sure to let the detective know so that arrangements can be made to help you.

The person who assaulted you might be arrested at shortly after you make your report to the police. In some cases, however, there may be a delay in the arrest while the police

investigate and establish “probable cause.” In some cases, you may be asked to testify before a Grand Jury which will make the determination of probable cause before an arrest is made.

12.B.ii Testifying

Victims of sexual assault may be asked to testify at a bail hearing for the defendant if an arrest is made at the time the crime is reported. All rapes (1st degree sexual assaults) are reviewed by a Grand Jury. Victims will have to testify at the Grand Jury Hearing. If the case goes to trial, the victim will have to testify at that time as well.

In Rhode Island, the sexual history of the victim (not related to the assault) is not allowed as part of the defendant’s case unless a judge determines that the information is important to the case.

How can you help a partner or friend if they are sexually assaulted?

(Adapted from a list by the University of Michigan Sexual Assault Prevention and Awareness Center and the National Coalition Against Sexual Assault. Used with permission).

The most important words you can say to your friend or partner are these:

- “I am just glad that you are alive.”
- “It is not your fault.”
- “I’m sorry it happened.”
- “You did the best you could.”

Your role as a friend or partner is to help rebuild a sense of trust and safety for the survivor of the assault.

Here are some ways you can do so:

- Allow your friend/partner to make her/his own choices whenever possible. A sexual assault can completely take away your sense of power over yourself and what happens to you. Afterwards, even the smallest choices that a survivor makes can help to restore their sense of control. You can allow the survivor to choose when and where you will talk, whether they wish to be held or touched while you talk, or if they want to call a crisis line.
- Be a good listener. Do NOT give advice. Allow the survivor to make her/his own decisions. If they ask you what to do, give them options and let them choose.
- Understand the trauma that can result from a sexual assault. Your friend/partner may feel afraid, helpless, guilty, ashamed, embarrassed, or angry after the assault, may have trouble sleeping or eating, and may have other emotional difficulties. It is not surprising given the trauma your friend/partner has experienced.
- Become knowledgeable about services available for survivors of assault. Provide information about RI agencies that provide services, such as the **Sexual Assault and Trauma Resource Center**. For business hour phone calls, please call 401-421-4100. For a 24-hour crisis response, please call 1-800-494-8100. Give options and let them choose.

- Try to minimize the number of times your friend/partner must tell their story. You do not need to hear details of the assault unless the survivor wants to tell you. Your friend/partner does not need to relive the experience by describing it over and over.
- If your friend/partner feels guilty for not fighting back, tell them fear can paralyze people and cooperation is not consent. Do NOT feed into the myths about rape by asking if your friend did anything to “lead them on”, or by asking what they were wearing, why they were out at night, etc.
- Do NOT touch your friend/partner without asking first. It is natural to want to hug or hold your friend or partner after a terrible experience. But physical intimacy that might have been fine before may not be fine for a while after a sexual assault. Ask if a hug or being held would comfort them or if they want that. If you have had a sexual relationship with the survivor, make sure they are comfortable with continuing it right now. Be understanding of their fears and concerns that this will bring back thoughts of the assault. The right of the survivor to choose the type and timing of physical intimacy is necessary for them to feel safe.
- Always respect a survivor's confidentiality. Do NOT tell anyone else that your friend/partner was assaulted unless they give you permission to do so. Sexual assault crisis centers provide confidential services to survivors of an assault, and they provide support to their family and friends as well, to help you deal with the aftermath of a sexual assault on your friend/partner.

12C CHILD MOLESTATION

Rhode Island law makes special provisions for children under 14 years who are sexually assaulted. Please also see section [2.I.xi – Child Victims](#) for more information.

We often warn our children about strangers. But national crime statistics indicate that of children under the age of 12 who are raped, it is almost always by a family member (96% of cases). Of children aged 12 to 17 who are raped, in 85% of the cases it is by a family member. In Rhode Island, in the greatest number of cases involving children reported to the Sexual Assault and Trauma Resource Center, children were assaulted by a male relative, most commonly a father or stepfather. **Incest**, the common name for sexual activity with a child by a family member, is an especially traumatic and damaging kind of abuse of a child. Abused children often feel unable to trust others and can have trouble forming close relationships. Imagine what it would feel like if the person the child cannot trust is within his/her own family. Low self-esteem, substance abuse, aggressive behavior, running away, delinquency, prostitution, depression and suicide can all result from this kind of abuse.

There are two degrees of offense under Rhode Island law:

- First-degree child molestation sexual assault is any sexual penetration of a person 14 years old or younger.
- Second-degree child molestation sexual assault is any sexual contact with a person 14 years old or younger.

These laws are similar to first and second-degree sexual assault for adults, but also recognize that even if a child “consents” to it, sexual activity with any child is wrong and illegal.

One of the deepest fears parents have is that they will not be able to protect their children from an abuser or molester. One defense is to educate yourself and your children. Your children should understand the difference between “good touching” and “bad touching”. You can learn about the resources available to help families.

If a child is molested, there are several **Resources** available to provide help. Most **Police Departments** have an officer trained in dealing with victims of sexual assault, who can refer you to the appropriate agency. The **Sexual Assault and Trauma Resource Center of Rhode Island (SATRC)** can be reached by calling 401-421-4100 or through the **Victims of Crime Helpline** at 800-494-8100. This is a statewide resource that includes a **Child Advocacy Center** and other support and counseling programs. The **Victim Services Unit** (274-4400 ext. 2360) **of the Department of the Attorney General** has advocates who can help you understand and guide you through the court process.

By law, a child victim's name in any child molestation case is protected throughout the complaint, investigation and court process. This means the child's name cannot become public knowledge.

Rhode Island law requires that persons **convicted** of first or second degree child molestation, after completing their prison sentence, suspended sentence or parole, are required to register their current address with police in their city or town, for a certain period of time. These persons are subject to community supervision by law enforcement, and in the most serious cases, local agencies and/or community members may be notified that they live in their area. In the case of someone the court has determined to be a “sexually violent predator”, community supervision can continue for life. You can get information on registered offenders through your local police.

Sexual offenders may try to have child victims keep this crime a secret. The child may not reveal what has happened for a long time because of fear, shame or psychological trauma. Sometimes the secret is not revealed for many years. Therefore, there is no **statute of limitation** for the crime of child molestation in Rhode Island. This means a person who was molested as a child can have their assailant charged with this crime when the victim is psychologically and emotionally able to follow through with the criminal process, even if years have passed since the crime.

Child molestation sexual assault is an emotional, traumatic crime. Parents of child victims may feel they do not even know how to talk to their child about what happened.

The **Center Against Sexual Abuse** (2333 N. Central Avenue #100, Phoenix, AZ 85004, www.sacasa.org.) developed this list to help parents help their children:

- Believe that the child is telling the truth about the abuse.
- Let the child know:
 - What happened is not their fault.
 - He or she did the right thing by telling you or others about the abuse.
 - You are sorry this happened.
 - You will do whatever is necessary to protect them in the future.
- Encourage the child to express his or her feelings, but do not pressure him/her to tell you specific details of the assault. If the child feels uncomfortable talking to you, the resource programs listed above can help you find someone the child can talk to.

You may be very upset about what has happened, but when you express your emotions, make sure the child understands that you are not angry with him or her.

Parents or guardians may experience some of the same upsetting feelings as their child. You may feel very angry with the offender for harming the child. You may feel angry with yourself because you weren't able to protect your child or because you trusted the offender. You may see yourself as powerless to protect your family, and worry about the child being victimized again. You may be suspicious of anyone who comes into contact with the child. These reactions and feelings are **NORMAL** reactions for adults who are close to children who have been sexually assaulted or abused. Your feelings and concerns are very important and should not be ignored. You can discuss these feelings with your family, close friends or a counselor. Local resources such as the **Child Advocacy Center of SATRC** at 401- 421-4100 can provide this counseling and support.

12D STALKING

Under Rhode Island law, **stalking** is the willful, malicious [mean spirited] and repeated following or harassing of another person, with the intent to place the person in fear of injury. A person being stalked lives in constant fear and is not free to live a normal life. She may have to leave home, change her phone number, and avoid traveling alone. She may live in terror of what can happen to herself, her children or other family members.

Until recently, it was difficult to do anything about stalking, because stalking was not a crime. The first anti-stalking law was only passed in California in 1990! But by 1993, all states had such laws in place, including Rhode Island. By 1996, a federal anti-stalking law was passed.

Now, under federal and state laws it is illegal for anyone to put you in fear for your safety and well-being. It is illegal for anyone to harass you, or knowingly, maliciously and repeatedly follow you to put you in fear for your safety. These new laws allow the police to stop a stalker **before** they act on their threats and injure you.

Penalties for Stalking

In Rhode Island, the **penalty for a first conviction** of stalking is imprisonment of up to 1 year and/or a fine of up to \$1,000. If there is a **restraining order** in place to prevent a victim from being harassed, a violation of this restraining order is seen as a crime of stalking, and can be punished by imprisonment for up to 2 years and/or a fine of \$6,000. A **second conviction is a felony**, and the penalty is imprisonment of up to 5 years and/or a fine of up to \$10,000.

12.D.i Who Stalkers Are

The first stalking laws were passed partly because stalkers of several well-known celebrities injured or murdered them. However, most stalkers do not follow or harass celebrities. According to the National Center for Victims of Crime, most stalkers have had some personal or intimate relationship with their victim – they are spouses, former spouses, former boyfriends or girlfriends, dates or acquaintances. Stalking is often part of the pattern of domestic violence.

Stalking can lead to violence, so it is important to know the stalking laws and how to protect yourself. Unfortunately, research on stalking is only recently being conducted, so we do not know exactly how common it is, or how often the stalker becomes violent and harms the person they are following or harassing.

12.D.ii Stalking facts

Facts about stalking:

- 78% of stalking victims are women.
- 80% of women stalked by their former husbands are physically assaulted by that partner and 30% are sexually assaulted by that partner.

There is no general profile of a stalker. Every stalker is different and it is difficult to devise a plan for all victims to follow. However, if you are in fear of being hurt and/or feel that you are being stalked here are some suggestions:

- **If you are in immediate danger, find a safe place** – look for a well-lit place where there are people around who can help. You can also go to a police station that is open, the home of a friend or family member.
- If you cannot leave because you are afraid or because your stalker is outside your home and currently harassing you, **call 911 or your local police.**
- If you go to a shelter, the police station or anywhere where you may have to give your name and/or address, **make sure to always request confidentiality** and inform them you are being stalked.
- You can **seek advice from Advocates** who work with domestic violence and/or sexual assault centers, who are experts in helping victims develop safety plans and obtain protection. In Rhode Island, the best number to call is the **Victims of Crime Helpline**, 1-800-494-9100. This number will link you to shelters, services and programs across the state.
- You can **obtain a protective order (restraining order)** against a stalker. See section [12.A.v – Civil Protections](#) for more information about restraining orders. If you are or were married to your stalker, or have a child in common, you can get a protective order through the Family Court. If you have dated the stalker within the past 6 months or it is a same sex partner relationship, you can get a protective order through District Court.

If the stalker is a stranger or an acquaintance, you must get the order through the Superior Court, and you must pay a fee for it. (*Please note:* Superior Court restraining orders are of limited usefulness, because police do not arrest someone for violating a Superior Court restraining order. They are only enforceable by returning to Superior Court and filing a motion for contempt. However, many people find it empowering to at least obtain a Superior Court protective order, and in some cases being served with a Superior Court order can intimidate the stalker).

In some cases, a stalker may not know where you are living (if you moved for safety, or if they are harassing you at work). *If so, be sure to tell court personnel that you do not want your home address or phone number on the restraining order, as a copy will be given to the stalker. Tell them why you are afraid and that this is a stalking case.*

They will allow you to use an alternate address, or to leave off your address altogether.

You can get assistance with restraining orders by contacting an **Advocate** at the **Restraining Order Office** in the Garrahy Judicial Complex at 401-458-3372. Or contact the **Victims of Crime Helpline** for information at 1-800-494-9100.

Protective orders are helpful but not foolproof. They allow your stalker to be prosecuted once they are broken. You should not think your stalker will automatically stop harassing you once you have a restraining order. *Always have a safety plan in place.*

6) You can ask police to **file stalking charges** against your stalker. Remember that the stalking behavior itself is a criminal act, and the law is intended prevent the stalker from threatening and harming you. Even if they cannot file charges or make an arrest immediately, the police can help you decide how to gather evidence to support a charge and tell you about ways to protect yourself. If you believe you are being stalked and you want to know how the RI's stalking law applies to your case, call the **Attorney General's Office / Victim Assistance Unit** (401-222-2424) or the **Victims of Crime Helpline** (1-800-494-9100).

- **Call the police every time your offender does something illegal.** For example, if you believe your stalker came into your house without your permission, took something from your car without your permission, and/or if they continue harassing you, notify your local police department right away. These acts may be punishable. Also, this will help you build a record of the stalker's harassing behavior and it will help you obtain future court orders against them.
- **Keep a written log and copies.** Copies of letters, notes, or emails the stalker wrote to you can be useful in obtaining a future court order or in prosecuting your stalker. Documentation may include photographs of destroyed property, photos of any personal injuries done by the stalker, or saved answering machine messages on tape. It is very important to keep a written log of any crimes or suspicious behavior of your stalker.
- **Have a Safety Plan in place.** See the section on Safety Planning in the Domestic Violence Section. Let people you trust or whose help you may need know what is happening to you - such as friends, family, neighbors, police, employers, security personnel and social service workers such as an Advocate or counselor. They can help you put your safety plan into place. Make sure that each person you talk to agrees that they will not provide information to your stalker
- Here are **other suggestions** to increase your safety:
 - Make sure your doors have dead bolt locks.
 - If spare keys are missing or copies could have been made, change your locks.
 - Treat any and all threats as real. Call the police immediately.
 - Have an unlisted telephone number.
 - Use Caller ID. You can arrange to have calls marked "private" blocked.
 - If you can afford a second (unlisted) phone line, the stalker may keep calling on the original line. Your family and friends can use the new number. Hook an answering machine up to the old line, and save the tapes for the police.
 - When you inform a friend or trusted neighbor about the situation, give them a photo of the stalker along with information such as what type of car he/she drives.

- If you live in an apartment, also inform the property manager and give the same information about your stalker.
- If you want to tell your employer but are worried about their reaction, also tell them that you will not let the situation interfere with your job performance.
- Light the outside of your house or apartment at night.
- Refuse deliveries such as flowers from the stalker.
- Have co-workers take calls for you and ask who is calling.
- Limit your time traveling alone.
- Limit your time running or walking outside alone.

In any area of violence against women, the more you know about the law and your rights, the better you can protect yourself. There are many agencies and services that can help you protect yourself. Some Rhode Island-based resources are listed below.

12E RESOURCES

Domestic Violence / Sexual Assault Unit of the Attorney General: 401-274-4400.

RI Coalition Against Domestic Violence: 401-467-9940.

Sexual Assault and Trauma Resource Center of RI (formerly the Rape Crisis Center): 401-421-4100 (call collect).

Rhode Island Legal Services, Domestic Violence Legal Advocacy Program, 1-800-662-5034 or 401-274-2652.

Dept. of Elderly Affairs: 1-800-322-2880, 401-222-2880 or 401-222-2858. (*for victims aged 60 and older*).

Providence Courthouse (Garrahy Building) Restraining Order Office: 401-458-3372

Victims of Crime Helpline: 1-800-494-8100.

Domestic Violence Training & Monitoring Unit: 401-782-4154.

12F DOMESTIC VIOLENCE RESOURCES

Blackstone Shelter: 401-723-3057. (Blackstone Valley Area)

Elizabeth Buffum Chace House: 401-738-1700 (Kent County Area)

Sojourner House: Providence Hotline: 401-658-4334. Northern RI Hotline: 401-765-3232. Foster/Scituate Hotline: 401-647-1514.

Women's Center of Rhode Island: 401-861-2760. (Greater Providence Area)

Women's Resource Center of South County: Wakefield Hotline: 401-782-3990. Westerly Hotline: 401-322-6010.

Women's Resource Center of Newport/Bristol Counties: Bristol County Hotline: 401-247-2070. Newport Hotline: 401-847-2533. Tiverton Hotline: 401-625-1144. Jamestown Hotline: 401-423-9649.

CHAPTER 13 VOTING RIGHTS

13A YOUR RIGHT TO VOTE

The right to vote is an essential right in the United States. Every United States citizen who is an adult 18 years or older has the right to vote. In Rhode Island your right to vote can only be taken away if you are convicted of a felony crime and are in jail, on probation or parole.

The Nineteenth Amendment of our Constitution guarantees women the right to vote: “The right of all citizens of the United States to vote shall not be denied or abridged...on account of sex.” This amendment was not passed until 1920! The right to vote did not come quickly or easily for women – it should not be taken for granted.

13.A.i Every Vote Matters

Every vote is a way for you to make a difference on important issues, both local and national. Your vote can affect health care, the quality of our schools and environment, safety, the taxes and consumer prices you pay, the diversity of government, and ultimately, your own future. When you vote, you have a voice in determining laws, regulations and policies for every issue including taxes, immigration, health care and domestic violence.

13B REGISTERING TO VOTE

In order to vote in Rhode Island, you must first register to vote. Registering in Rhode Island is easy – provided that you are a citizen and will be 18 years old by election day - you simply fill out and sign a registration card with your name and address. It is important to notice that voter registrations must be received by election officials 30 days before any election, including primaries, in order to vote in that election. If you do not receive a card confirming your voter registration within one month of registering, call your local Board of Canvassers which will be located in your City or Town Hall.

You can register to vote at the following places:

- Department of Motor Vehicles (DMV)
- Board of Canvassers in your local Town or City Hall
- State Board of Elections Office
- Armed Forces Recruitment Center
- Other public service agencies.

If you cannot get to any of the above places, you can call your local Board of Canvassers to have a registration form sent to you in the mail or download a registration form from the Board of Elections website at www.elections.state.ri.us/.

During an election time, you vote at a polling place near your home which is determined by your address. The locations of the polling places are set shortly before elections and are published in the newspaper and on the Internet at www.sec.state.ri.us. If you cannot get to your

polling place (if you will be out of state or out of town, if you are physically unable, or for other reasons) you can apply for an absentee ballot and vote by mail. Applications for absentee ballots must be received by your Board of Canvassers 21 days before election. Emergency absentee ballots may be applied for at your Board of Canvassers up to the day before the election.

Voter registrations are public records. If you are a victim of domestic violence with a protective order and need to keep your voting address hidden, you can arrange this through the Office of the Secretary of State at 401-222-2357.

Once you register to vote in Rhode Island, this registration is permanent so long as you stay at the same address, with the same name. You may have problems voting if your voter registration is not up to date. It is up to you to make sure it is. For more information about registering and voting, you can contact your local Town or City Hall, the Secretary of State Elections Division at 401-222-2357 or www.state.ri.us, or the Board of Elections at 401-222-2345 or www.elections.ri.us.

13C LOSING YOUR RIGHT TO VOTE

You will lose your right to vote if you are:

- currently in jail
- serving a sentence for a felony
- on parole for a felony
- on probation for a felony
- on suspended sentence for a felony
- have taken a nolo contendere plea for a felony charge

Your right to vote is automatically restored upon completion of your sentence. At that point, you may register through the normal voter registration process.

If you are confused when you reach the polling place, look at the signs at the polling place for sample ballots, directions on how to use the voting machines, a list of your voting rights and other instructions. If you are still confused, ask. Poll workers are there to help you.

If your name is not on the polling list, you may be at the wrong polling place, your name may have been removed erroneously from the polling list, or there may have been a problem processing your voter registration. Poll workers will help you, and as long as you have kept your voter registration up to date, you will be able to vote.

By voting, you keep this country a democracy. Yet, across the country, only about half of eligible voters vote. Rhode Island's voter turnout dropped from 75% in 1960 to 39% in 1998 – one of the largest declines in the country.

Voting is your right. Exercise it!

13D RESOURCES:

State Board of Elections	www.elections.state.ri.us
Where do I vote?/Sample Ballots	http://www.state.ri.us/
Handicapped Access	www.qcd.state.ri.us/RI_Laws/chapt_2.htm
Municipal Boards of Canvassers	www.elections.ri.gov/boards.htm

From the *League of Women Voters Internet guide to RI Government*

RESOURCE SUMMARY

All area codes are 401, unless otherwise noted.

Please use RI Relay for all phone numbers without separate TTD/TTY phone numbers at 1-800-745-555 (TTY) or 1-800-745-6575 (Voice).

A

Adult Education Specialist	222-4600
AIDS Information Hotline	1-800-726-3010
Alcoholics Anonymous (AA)	438-8860
Alcohol and Drug 24-Hour Hotline	1-800-622-7422
Aquidnick Island Learning Center	847-7171
Assault and Trauma Resource Center of RI	421-4100, 1-800-494-8100

B

Better Business Bureau (BBB)	785-1212
Blind and Visually Impaired, Services for	222-2300, TTD 222-3010

C

CASA (Court Appointed Special Advocate for Children)	458-3330
Child Advocate's Office	222-6650
Child Abuse Hotline	1-800-RI-CHILD (1-800-742-4453)
Child Care	528-3548
Childhood Lead Action Project	785-1310
Child Mental Health	528-3794
Child Protection Agency	528-3593
Child Support	458-3100
Child Support Enforcement Unit	222-2847
Coalition Against Domestic Violence	467-9940
Coalition Against Domestic Violence - Helpline	1-800-494-8100
Capitol Cities Community Center	455-3880

Community Action Programs (CAP) - Emergency Housing & Food Assistance Programs

<u>Blackstone Valley Community Action Program</u> - serves <i>Central Falls, Cumberland, Lincoln and Pawtucket</i>	723-4520
<u>Comprehensive Community Action</u> – <i>serves Coventry, Cranston, Foster and Scituate</i>	467-9610
<u>New Visions for Newport County</u> – <i>serves Jamestown, Little Compton, Middletown, Newport, Portsmouth, and Tiverton</i>	847-7821
<u>Providence Community Action Program (PRO CAP)</u> - serves <i>Providence</i>	273-2000
<u>East Bay Community Action Program</u> – <i>serves Bristol, Barrington, East Providence and Warren</i>	437-1000
<u>South County Community Action</u> – <i>serves Charlestown, Exeter, Hopkinton, Narragansett, New Shoreham, North Kingstown, South Kingstown, Richmond, Westerly and West Greenwich</i>	789-3016
<u>Tri-Town Community Action Agency</u> –	351-2750

<u>serves Burrillville, Glocester, Johnston, North Providence, North Smithfield and Smithfield</u>	
<u>Westbay Community Action –</u>	738-8673
<u>serves East Greenwich, Warwick and West Warwick</u>	
<u>Woonsocket Shelter Community Action Program - serves Woonsocket</u>	767-0866

COMMUNITY COLLEGE OF RHODE ISLAND

<u>Knight Campus - Warwick</u>	825-1000
<u>Flannigan Campus - Lincoln</u>	333-7000
<u>Liston Campus - Providence</u>	455-6000
	722-3560
Community Counseling Center	
Consumer Credit and Counseling	438-8833, 1-800-781-2227
Comprehensive Community Action	467-9610
Consumer Product Safety Commission Hotline	1-800-638-2772
Consumer Response Center	1-877-382-4357
Contractor's Registration Board	222-1270
Consumer Protection Unit of the Attorney General of RI	274-4400

Courts - District Court Division Locations

<u>First Division District Court</u> , Garrahy Judicial Complex (Bristol County Cases), One Dorrance Plaza, Providence	458-5201
<u>Second Division District Court</u> , Murray Judicial Complex (Newport County Cases), Eisenhower Square, Newport	841-8350
<u>Third Division District Court</u> , Leighton Judicial Complex (Kent County Cases), 222 Quaker Lane, Warwick	822-1771
<u>Fourth Division District Court</u> , McGrath Judicial Complex (Washington County Cases), 4800 Tower Hill Road, Wakefield	782-4131
<u>Fifth Division District Court</u> , Garrahy Judicial Complex (Pawtucket Area Cases), One Dorrance Plaza, Providence	458-5201
<u>Sixth Division District Court</u> , Garrahy Judicial Complex (Providence Area Cases), One Dorrance Plaza, Providence	458-5400
<u>Seventh Division District Court</u> , Garrahy Judicial Complex (Woonsocket Area Cases), One Dorrance Plaza, Providence	458-5400
<u>Eight Division District Court</u> , Garrahy Judicial Complex (Cranston Area Cases), One Dorrance Plaza, Providence	458-5400

COURTS - SUPERIOR COURT LOCATIONS

<u>Providence Superior Court</u> , Licht Judicial Complex, 250 Benefit Street, Providence	222-3220
<u>Kent County Superior Court</u> , Leighton Judicial Complex, 222 Quaker Lane, Warwick	822-1311
<u>Washington County Superior Court</u> , McGrath Judicial Complex, 4800 Tower Hill Road, Wakefield	728-4121
<u>Newport County Superior Court</u> , Murray Judicial Complex, Eisenhower Square, Newport	841-8330
Crime Victim Compensation Program	222-8590
Crossroads (formerly Traveler's Aid)	521-7233, 521-SAFE, 1-800-367-2700

D

Day Care (Low Income Working Family Daycare Program)	222-7133
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Day Care Licensing and Regulations	528-3623
DARE - Direct Action for Rights and Equality	351-6960
Democracy Compact	486-3544

Department of Children, Youth and Families (DCYF)

<u>General Information</u>	538-3548
<u>Legal Office</u>	528-3570
Department of Business Regulation	222-2405
Department of Elementary and Secondary Education	222-4600
Department of Elderly Affairs	462-3000
Department of Environmental Management	222-3424
Department of Health	222-2231
Department of Human Services (DHS)	462-1000, 1-888-347-3322, TTY 462-3363
Disability Law Center	831-3150, TTD 831-5335
Division of Public Utilities and Carriers	222-2443

Domestic Violence and Sexual Assault Resources

Helpline	1-800-494-8100
Blackstone Shelter (Blackstone Valley area)	723-3057
Elizabeth Buffum Chace House (Kent County area)	738-1700
Coalition Against Domestic Violence	467-9940
Department of Corrections Office of Victims Services	462-5203
Department of Elderly Affairs (for victims age 60 and older)	462-3000, 1-900-622-8000
Domestic Violence Training and Monitoring Unit	729-4480
Domestic Violence/Sexual Assault Unit of the Attorney General	274-4400
Providence Courthouse (Garrahy Building) Restraining Order Office	458-3372
RI Legal Services Domestic Violence Legal Advocacy Program	274-2652, 1-800-662-5034
Sexual Assault and Trauma Resource Center of Rhode Island	421-4100 (call collect)
Sojourner House - Drop-in Center	861-6191
Sojourner House - Foster Scituate Hotline	647-1514
Sojourner House - Northern Rhode Island Hotline	765-3232
Sojourner House - Providence Hotline	658-4334
Victims of Crime Helpline	1-800-494-8100
Women's Center of Rhode Island - Greater Providence area	861-2760
Women's Center of Newport/Bristol County - Bristol County Hotline	247-2070
Women's Center of Newport/Bristol County - Jamestown Hotline	423-9649
Women's Center of Newport/Bristol County - Newport Hotline	847-2533
Women's Resource Center of South County - Wakefield Hotline	782-3990
Dorcas Place Literacy Center	273-8866
Drug and Alcohol Treatment Association (DATA)	521-5759
Drug and/or Alcohol Problem 24-hour Helpline	1-800-622-7422

E

East Bay Mental Health Center	246-1195
Elder Abuse Program of the RI Department of Elderly Affairs	462-0555
Environmental Protection Agency (EPA) - Safe Drinking	1-800-426-4791

Water Hotline
 Equal Employment Opportunity Commission (EEOC) - Region
 I Office 1-617-565-3200

F

Family Health Information Line 1-800-942-7434

Family Independence Program Benefits (F.I.P.) - Dept. Human Services Offices

Cranston DHS, Forand Building, 600 New London Avenue,
 Cranston, RI – 462-6500

serves Coventry, Cranston, West Warwick and Westerly
East Providence DHS, 24 Commerce Street, Pawtucket, RI –
serves Barrington, Bristol, Central Falls, East Providence,
Pawtucket and Warren 729-5400

Johnston DHS, 1514 Atwood Avenue, Johnston, RI - *serves*
Foster, Johnston, North Providence, Scituate 222-5666

Newport DHS, 110 Enterprise Center, Middletown, RI –
serves Jamestown, Little Compton, Middletown, Newport,
Portsmouth, Tiverton 849-6000 1-800-675-9397

North Kingstown DHS, 7734 Post Road, North Kingstown, RI
 –
serves Charlestown, East Greenwich, Exeter, Hopkinton,
Narragansett, New Shoreham, North Kingstown, Richmond,
South Kingstown, West Greenwich 267-1030, 1-800-862-0222

Providence DHS, 206 Elmwood Avenue, Providence, RI -
serves Providence 222-7000, TTY 222-7032

Warwick DHS, 195 Buttonwoods Avenue, Warwick, RI -
serves Warwick 736-6511, 1-800-282-7021

Woonsocket DHS, 450 Clinton Street, Woonsocket, RI -
serves Burrillville, Cumberland, Glocester, Lincoln, North
Smithfield, Smithfield, Woonsocket 235-6300, 1-800-510-6988, TTY 235-
 6490

Family Services 528-3720

Federal Credit Reporting Act (FCRA)

Equifax 1-800-685-1111

Experien 1-888-397-3742

Trans Union 1-800-916-8800

Federal Hill House Association 421-4722

Federal Trade Commission Consumer Response Center 1-877-382-4357

Food Stamp Offices

Newport DHS, 110 Enterprise Center, Middletown, RI - *serves*
Jamestown, Little Compton, Middletown, Newport,
Portsmouth, Tiverton 849-6000, 1-800-675-9397

Pawtucket DHS, 24 Commerce Street, Pawtucket, RI - *serves*
Barrington, Bristol, Central Falls, East Providence, Pawtucket,
Warren 729-5400

Providence DHS, 206 Elmwood Avenue, Providence, RI -
serves Providence 222-7276, TTY 222-7032

Warwick DHS, 195 Buttonwoods Avenue, Warwick, RI - 736-6511, 1-800-282-7021

serves Charlestown, Coventry, Cranston, East Greenwich, Exeter, Hopkinton, Narragansett, New Shoreham, North Kingstown, Richmond, South Kingstown, Warwick, West Greenwich, West Warwick, Westerly
Woonsocket DHS, 450 Clinton Street, Woonsocket - serves Burrillville, Cumberland, Foster, Glocester, Johnston, Lincoln, North Providence, North Smithfield, Scituate, Smithfield, Woonsocket

232-6300, 1-800-510-6988
 TTY 235-6490

Foster Care

528-3791

G

Gay & Lesbian Advocates and Defenders (GLAD)

1-800-455-GLAD, 617-426-1350, TTY
 617-426-6156

The Genesis Center

781-6110

Governor's Commission on Disabilities

462-0101

Governor's Office

222-2080, TTY 222-3700

H

The Help Lead Safe Center

421-8595

Hospital Emergency Room-based Advocate

1-800-494-8100

Housing Hotline

846-4896, 1-888-722-1461

Housing Network of Rhode Island

521-1461

Human Rights Commission

222-2662, TTY 222-2664

Human Service Department, Information and Referral

462-1000

I

Immigration & Refugee Services of the Diocese of Providence

421-7833

International Institute

461-5940

J

Jewish Family Service

331-1244

Justice Assistance

781-7000

Juvenile Correctional Services

462-7241

K

Kent County Mental Health Center

738-4300

L

Lawyer Referral Service

421-7799, TTD 421-1666

Lead Poisoning Control Program

222-2312, TTY 222-2506

Learning Enhancement for Adults Program (LEAP)

277-5036

Legal Advocacy Program, RI Legal Services

1-800-662-5034

Legal Counsel, Commissioner of Education Office

222-2057, 222-4600

Licensed Substance Abuse Treatment Programs - refer to Mental Health and Substance Abuse section)	
Lifeline - home service for elderly and low income)	462-5300
Law Clinic, Roger Williams University	276-4800

M

Medicare Information	1-800-633-4227
Mental Health, Children Advocate	528-3794
Mental Health Advocate, RI State	462-2003, 1-800-346-2282

Mental Health Agencies

<u>Community Counseling Center</u> , 101 Bacon Street, Pawtucket - serves Pawtucket and Central Falls	722-3560 Emergency 723-1915
<u>East Bay Mental Health Center</u> , 2 Old Country Road, Barrington - serves Barrington, Bristol, East Providence and Warren	246-1195 Emergency 246-0700
<u>Kent County Mental Health</u> , 59 Heath Lane, Warwick - serves Coventry, East Greenwich, West Greenwich, Warwick and West Warwick	738-4300
<u>Mental Health Services of Cranston, Johnston, and Northwestern, RI</u> , 1443 Hartford Avenue, Johnston - serves Cranston, Foster, Glocester, Johnston, North Providence, Scituate, Smithfield	273-8100, 1-800-274-3501, Emergency 553-1031
<u>Newport County Community Mental Health Center</u> , 127 Johnnycake Hill Road, Middletown - serves Newport and Bristol Counties	846-1213
<u>Northern RI Community Mental Health Center</u> , 55 Cummings Way, Woonsocket - serves Burrillville, Cumberland, Lincoln, North Smithfield and Woonsocket	235-7000

Missing Children's Hotline	1-888-326-5352
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N

Narcotics Anonymous (NA)	1-800-526-5456
National Cancer Institute	1-800-4CANCER
National Lead Testing and Removal	737-3903
National Foundation for Consumer Credit	1-800-388-2227
New England Organ Bank	444-4300

NetWORKri Centers, Dept. of Labor & Training, Employment & Assistance Centers

175 Main Street, Pawtucket	722-3100, TTY 222-3450
470 Metacom Avenue, Warren	245-9300, TTY 245-0415
4808 Tower Hill Road, Wakefield	789-9721
1330 Main Street, West Warwick	828-8382
217 Pond Street, Woonsocket	762-9010
	846-1213, Emergency 846-1213
Newport County Community Mental Health Center	
New Visions for Newport County	847-7821

O

Office of the Child Advocate	222-6650
Office of Victim Services	462-5203

P

Parents for Progress	780-6840
Parole Board Office	462-5200, Emergency 421-7836
Planned Parenthood of Rhode Island	421-9620
Probation Department	458-3020
Problem Pregnancy of Providence	421-0820
Project AIDS Hotline	1-800-726-3010
Progreso Latino	728-5920
Providence Center for Counseling and Psychiatric Services	276-4000, Emergency 274-7111, TTD 274-2599
Providence Community Action Program (PRO CAP)	273-2000, Helpline 751-3322
Providence Housing Authority	751-6400

Public Defender Offices

<u>Main Office</u> , 4 th Floor, 100 North Main Street, Providence	222-3492
<u>Branch Office</u> , One Dorrance Plaza, Providence	458-3050
<u>Licht Judicial Complex</u> , 250 Benefit Street, Providence – Providence/Bristol Counties and Providence Family Court	458-3050, 222-1312
Kent County, 222 Quaker Lane, Warwick	822-2195
<u>Newport County</u> , Eisenhower Square, Newport	841-8320
<u>Washington County</u> , 4800 Tower Hill Road, Wakefield	782-4180

Public Housing Authority

Bristol	253-4464
Burrillville	568-6200
Central Falls	727-9090
Cranston	944-7210
Cumberland	334-2678
East Greenwich	885-2610
East Providence	434-7645
Jamestown	423-1561
Johnston	231-2007
Lincoln	724-8910
Narragansett	789-9489
Newport	847-1169
North Providence	728-0930
Pawtucket	725-9113
Peace Dale	783-0126
Portsmouth	683-3173
Providence	751-6400
Smithfield	949-0270
Tiverton	624-4748
Warrant	245-7019
Warwick	463-7206
West Warwick	822-9430
Westerly	596-4918
Woonsocket	767-8000

Public Utilities Commission – Consumer Section

780-9700

R

Rite CARE

English 462-1300, Spanish 462-1500,
TTY 462-3363

RI Attorney General's Consumer Protection Unit

274-4400

RI Attorney General's Domestic Violence/Sexual Assault Unit

274-4400

RI Attorney General's Offices

Providence Office

274-4400, TTY 421-5268

Kent County Office

274-4400

Newport Office

841-8310

Washington County Office

782-4150

421-5740

RI Bar Association

Volunteer Lawyer Program

421-7758, 1-800-339-7751

Lawyer Referral Service, Reduced Fee

421-7799

Elderly Legal Services

521-5040

RI Breast Cancer Coalition

1-800-216-1040

RI Cancer Council

728-4800

RI Childhood Lead Poisoning Control Program

222-2312, TTY 222-2506

RI Coalition Against Domestic Violence

467-9940, 1-800-494-8100

RI Coalition for the Homeless

421-6458

RI Commission for Human Rights

222-2662, TTD 222-2614

RI College

456-8061, TTY 1-800-745-5555

RI Commission on Women

222-6105

RI Crime Victims Compensation Program

222-2287

RI Department of Business Regulation

Division of Banking

222-2405

Securities Division

222-3048

RI Department of Children, Youth and Families

General Information

528-3548

Legal Office

528-3570

RI Department of Corrections

Office of Victim Services

462-5203

Women's Division

462-2361

RI Department of Education

222-4600

RI Department of Elderly Affairs

General Information

462-3000

Abuse/Protective Service Unit

222-2880, 1-800-322-2280

TTY 462-4000

Housing

462-0539

Prescription Help

462-4000

RI Department of Health

222-2231

AIDS/HIV Program

222-2320, TTY 1-800-745-5555

Woman's Cancer Screening

222-3496

Environmental Health & Risk Assessment

222-3424,

Lead Screening Tests

1-800-942-7432

	462-3363
RI Department of Human Services	
RI Department of Labor and Training	462-8000
RI Department of Motor Vehicles	588-3000
RI Disability Law Center	831-3150, TTY 831-5335
RI Division of Substance Abuse	462-4680
RI Housing and Mortgage Finance Corp.	751-5566, TTY 421-9799
RI Human Rights Commission	222-2662, 222-2664

RI Legal Services

56 Pine Street, 4 th Floor, Providence	274-2652, 1-800-662-5034
50 Washington Street, Newport	846-2264, 1-800-637-4529

RI Project AIDS Hotline	1-800-726-3010
RI Relay	TTY English 1-800-745-5555, TTY Spanish 1-800-855-2884
RI Secretary of State	222-2357, TTY 222-2311
RI State Police	444-1000
RI Victim's Advocacy and Support Center	943-9266
RI's Victims of Crime Helpline	1-800-494-8100

Roger Williams University Law School	253-9320
Criminal Law and Disability Law Clinic	276-4800

S

Safe Place	272-4243
Samaritans	272-4044, TTD 1-800-365-4044
Secretary of State	222-2357, TTY 222-2311
Services for the Blind and Visually Impaired	222-2300, TTD 222-3010
Sexual Assault and Trauma Resource Center	421-4100, TTY 1-800-745-5555

Shelters, Homeless & Emergency Housing

<u>Amos House</u> - Female, Male Couple temporary shelter	745-6575
<u>Advent House</u> - Adult Females and Males, emergency shelter	272-0220
<u>Crossroads</u> (Formerly Traveler's Aid) - Adult Females and Males	273-8946
<u>East Bay Community Action Program</u> - Family, Female with Children, Female, Male, Couple, emergency shelter for East Bay residents	737-6014, 521-2255
<u>Emergency Shelter of Pawtucket and Central Falls</u> – Family, Female, Male, Couples	433-1598
<u>Family Resources Inc.</u> – Family, Female, Male, Couple	728-8490
<u>Galilee Mission to Fisherman</u> – Male Emergency shelter	331-1350
<u>John Hope Settlement House</u> – Female, emergency shelter for girls 13-17	789-9390
<u>Interim House</u> – Families and Children emergency shelter for Providence area	421-6993
<u>Lucy's Hearth</u> – Temporary Transitional and Emergency shelter for women with children in Newport County area	831-4570
<u>McKinney Homeless Shelter</u> – Family, Female, Male, Couple drop-in service for people in emergency and transitional situations in Newport area	847-2021
	846-8810

<u>Newport County Community Mental Health Center</u> – Family, Female, Male Couple Emergency secrecies for Newport and Bristol Counties.	846-1213
<u>RI Family Shelter</u> – Families, Females	739-8584
<u>Urban League of RI/Providence Shelter</u> – Male, African American and other Minorities	351-5000
<u>Warwick House of Hope</u> – Family, Female with Children transitional housing and short term shelter	463-3324
<u>Welcome House of South County</u> – Family, Female with Children, Female, Male Couple	782-4770
<u>WARM</u> – Family, Female, Male, Couple	596-9276
<u>Woonsocket Shelter Community Action Program</u> – Female, Male, Couple, Shelter referral service	767-0866
Small Claims Court	458-5402
South County Community Action	789-3016

Social Security and/or SSI (offices listed below)

380 Westminster Mall, Providence	1-800-772-1213
30 Quaker Lane, Warwick	528-4501
127 Social Street, Woonsocket	822-1463
130 Bellevue Avenue, Newport	766-8423
55 Broad Street, Pawtucket	849-3487
2 Shaws Cove, New London, CT	724-9611
	860-443-8456

Sojourner House

Providence	658-4334, 861-6191
Northern RI	765-3232

Statewide Housing Action Coalition
SSTAR Detox

521-1461
1-800-RI-SOBER, 1-800-747-6237

Substance Abuse Resources

24-Hour Helpline	1-800-622-7422
Alcoholics Anonymous (AA)	438-8860
Drug and Alcohol Treatment Association (DATA)	521-5759
Narcotics Anonymous (NA)	1-877-461-1110
RI Division of Substance Abuse	462-4680
SSTAR Detox – 24-Hour Intake	1-800-RI-SOBER, 1-800-747-6237
Treatment Alternatives to Street Crime (TASC)	462-2381

Substance Abuse Treatment Programs

TTY for all: 1-800-745-5555 or 1-800-

Addiction Recovery Institute	745-6575
Addiction Recovery Institute	725-2520
CARE NEW ENGLAND/Butler Hospital	737-4788
Center For Behavioral Health	455-6220
Child & Family Services of Newport	946-0650
CODAC I	849-2300
CODAC II	461-5056
CODAC III	942-1450
CODAC IV East Bay	846-4150
Community Counseling Center	434-5999
	722-5573

Community Counsel Center/Memorial Hospital	722-5573
Comprehensive Community Action/Addiction Services	781-3990
(Discovery House 1) RI Substance Abuse Treatment	461-9110
(Discovery House 2) RI Substance Abuse Treatment	762-1511
East Bay Mental Health Center	431-9870
Eastman House	463-8829
Family Resources Inc. (Woonsocket)	766-0900
Family Services Inc.	331-1350
Friends of Caritas (Caritas House)	722-4644
Friends of Caritas (Corkery House)	539-3002
Galilee House	789-9390
Kent County Mental Health	732-5656
Kent House	781-2700
MAP Alcohol & Drug Rehab Services	785-0050
Marathon OP Program	331-4250
Marathon House Ladd Center	295-0960
Marathon, Lodge at Wallum Lake	568-1770
Meadows Edge Recovery Center	294-7240
{MHS} Counseling & Intervention – Warwick	781-0033
ENRI Community Service	521-2302
NRI	728-4010
Providence Center/Talbot	276-4040
Providence Center/Talbot – Directions	828-6373
Providence Center/Talbot –ROAD Counsel	762-7000
Providence Center/Talbot - Detox, Outpatient and Women's Day Treatment	785-8380
Providence Center/Talbot –Transitional	568-6670
Providence Center/Talbot –Women Drug Treatment	464-2129
Providence Community Action – Clinical Services	272-0660
Providence Community Action – Clinical Services	272-1006
SNE/ADCARE	463-5778
South Shore Mental Health	364-7705
St. Joseph's Hospital Dual Diagnosis Program (SST)	456-4234
SSTARBIRTH	463-6001
SSTAR of Rhode Island Detox	456-4440
SSTAR of Rhode Island Detox	294-0419
SSTAR/New Visions for Newport	847-7821
Tri-Hab House	766-1665
Tri-Hab Community Counseling	765-4040
Tri-Hab Pawtucket Addiction Center (PACS)	726-8080
Tri-Town SA TX Center	351-2750
Women & Infants Hospital-Project. Link	453-7618
Supreme Court Domestic Violence Training & Monitoring Unit	729-4480
Survivors Outreach Services, YWCA of Greater RI	831-9922

T

Tri-Town Community Action Agency	351-2750
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U

U.S. Department of Labor, Wage and Hour Division	528-4431
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University of RI College of Continuing Education – Providence Campus	277-5000
University of RI – Kingston Campus	874-1000
Urban League	351-5000

V

Victim Advocacy & Support Center	943-9266
Victim Compensation Program	222-8590
Victim Crime HELPLINE (24-Hour)	1-800-494-8100
Victim Services, Department of Correction	462-5203
Victim Witness Assistance Program, RI Attorney General's Office	274-4400

W

Welfare	See Family Independence Program
West Bay Community Action	732-4660, TTD 738-8673
WIC – Women Infants and Children's Food Program	1-800-942-7434

Women's Centers

Brown University Women's Center	863-2189
Bryant College Women's Center	232-6000
Johnson & Wales University Women's Concern Center	598-1198
Rhode Island College Women's Center	456-8474
Roger Williams University Women's Center	254-3294
University of RI Woman's Center	874-2097
Women In Transition Hotline	462-1767
Woonsocket Shelter Community Action Program	767-0866

Y

YMCA Tower, Case Management	456-1000
YWCA of Greater RI	831-9922
YWCA of Northern RI	769-7450